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2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.010 - Title of law.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.010. Title of law. —This law may be cited as the "Liquor Control Law". ---------- (RSMo 1939 § 4874) (1941) Right to traffic in intoxicating liquor is not a "natural right", such business not being lawful except as authorized by law. Therefore it may be fully regulated by law and such regulation does not violate natural rights of citizens. State ex rel. Klein v. Balsiger (A.), 151 S.W.2d 521.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.015 - Purpose clause.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.015. Purpose clause. —Alcohol is, by law, an age-restricted product that is regulated differently than other products. The provisions of this chapter establish vital state regulation of the sale and distribution of alcohol beverages in order to promote responsible consumption, combat illegal underage drinking, and achieve other important state policy goals such as maintaining an orderly marketplace composed of state-licensed alcohol producers, importers, distributors, and retailers. ---------- (L. 2007 S.B. 299 & S.B. 616)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.020 - Definition of intoxicating liquor.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.020. Definition of intoxicating liquor. —The term"intoxicating liquor"as used in this chapter shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent by volume. All beverages having an alcoholic content of less than one-half of one percent by volume shall be exempt from the provisions of this chapter, but subject to inspection as provided by sections 196.365 to 196.445*. ---------- (RSMo 1939 § 4894, A.L. 1990 H.B. 1180, A.L. 2009 H.B. 132) *Sections 196.365 to 196.445 were repealed in 2003 by H.B. 600 merged with S.B. 175.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.025 - Missouri bourbon and Missouri bourbon whiskey labels, use of name, criteria.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.025. Missouri bourbon and Missouri bourbon whiskey labels, use of name, criteria. —1. To qualify as "Missouri Bourbon" or "Missouri Bourbon Whiskey", and to be labeled as such, a product shall be a spirit that meets the following conditions: (1) The product shall be mashed, fermented, distilled, aged, and bottled in Missouri; and (2) The product shall be aged in oak barrels manufactured in Missouri. 2. Beginning January 1, 2020, to qualify as "Missouri Bourbon" or "Missouri Bourbon Whiskey", and to be labeled as such, all corn used in the mash must be Missouri-grown corn. ---------- (L. 2019 H.B. 266)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.028 - Ozark Highlands spirits, qualification as, requirements — Single Malt, qualification as — Ozark Highlands map.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.028. Ozark Highlands spirits, qualification as, requirements — Single Malt, qualification as — Ozark Highlands map. —1. (1) To qualify as "Ozark Highlands" spirits, and to be labeled as such for sale in Missouri, a product shall meet the following conditions: (a) The product shall be mashed, fermented, distilled, aged, and bottled in the Ozark Highlands region; (b) The product shall be aged in barrels manufactured from Missouri; (c) The water source shall be untreated or natural from natural springs or deep wells in the Ozark Highlands, and without chlorination or added chemicals such as fluoride; and (d) The minimum age of a whiskey shall be four years. (2) To qualify as "Ozark Highlands" spirits, and to be labeled as such for sale in Missouri, an unaged product, such as gin or vodka, shall meet the following conditions: (a) The product shall be mashed, fermented, distilled, and bottled in the Ozark Highlands region; and (b) The water source shall be untreated or natural from natural springs or deep wells in the Ozark Highlands, and without chlorination or added chemicals such as fluoride. 2. To additionally qualify as "Single Malt", the final product shall be distilled and bottled at a single distillery. 3. The product shall be further certified, by seal or other means, by the Ozark Highland Distillers Guild as a qualifying "Ozark Highlands" product. 4. For the purposes of this section, the Missouri department of natural resources shall produce, in collaboration with the Ozark Highland Distillers Guild, and publish an official map of the Ozark Highlands region. ---------- (L. 2022 H.B. 1738)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.030 - Definition of person.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.030. Definition of person. —The term"person"as used in this chapter shall mean and include any individual, association, joint stock company, syndicate, copartnership, corporation, receiver, trustee, conservator, or other officer appointed by any state or federal court. ---------- (RSMo 1939 § 4934)

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2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.040 - Application of law.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.040. Application of law. —The provisions of this law shall be in force in and apply to every incorporated city, town or village in this state, whether same be organized under the general law relating to cities, towns and villages, or by special charter under the state constitution, any ordinance or charter provision of any city, town or village to the contrary notwithstanding. ---------- (RSMo 1939 § 4908) (1957) City ordinance prohibiting sales by any wholesaler to retailers who are delinquent in payment of accounts to any wholesaler held valid and not in conflict with either the liquor control law or the nonintoxicating beer law. Passler v. Johnson (Mo.), 304 S.W.2d 903.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.050 - License required.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.050. License required. —It shall be unlawful for any person, firm, partnership or corporation to manufacture, sell or expose for sale in this state intoxicating liquor, as defined in section 311.020, in any quantity, without taking out a license. ---------- (RSMo 1939 § 4895) (1943) Objection to use of word "spirituous" in information charging sale of "spirituous intoxicating liquor" held without merit. State v. Varnon (Mo.), 174 S.W.2d 146. (1955) Where evidence showed that whiskey purchased was poured from "shot" glass into Coca-Cola bottle, that such bottle may have contained some other liquid, it was not error to admit it in evidence, in prosecution for sale without license, even though alcoholic content of liquor therein was less than that in bottle from which testimony showed it was poured. State v. Krout (Mo.), 282 S.W.2d 529.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.055 - License to manufacture not required, personal or family use — limitation — removal from premises permitted, when — inapplicability, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.055. License to manufacture not required, personal or family use — limitation — removal from premises permitted, when — inapplicability, when. —1. No person at least twenty-one years of age shall be required to obtain a license to manufacture intoxicating liquor, as defined in section 311.020, for personal or family use. The aggregate amount of intoxicating liquor manufactured per household shall not exceed two hundred gallons per calendar year if there are two or more persons over the age of twenty-one years in such household, or one hundred gallons per calendar year if there is only one person over the age of twenty-one years in such household. Any intoxicating liquor manufactured under this section shall not be sold or offered for sale. 2. Beer brewed under this section may be removed from the premises where brewed for personal or family use, including use at organized events, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license issued under section*311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090. 3. Any beer brewed under this section used at an organized event where an admission fee is paid for entry, at which the beer is available without a separate charge, shall not be deemed a sale of beer, provided that the person who brewed the beer receives none of the proceeds from the admission fee and all consumption is conducted off licensed retail premises, under the premises of a temporary retail license issued under section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090. ---------- (L. 1995 S.B. 468, A.L. 2009 H.B. 132, A.L. 2013 S.B. 121, A.L. 2014 H.B. 1304) *Word "sections" appears in original rolls.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.060 - Qualifications for licenses — resident corporation and financial interest defined — revocation, effect of, new license, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.060. Qualifications for licenses — resident corporation and financial interest defined — revocation, effect of, new license, when. —1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; and, except as otherwise provided under subsection 7 of this section, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the twenty-first amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five years have passed since the revocation as provided under subsection 6 of this section, or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this state. 2. (1) No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such corporation, or other financial interest therein, or ten percent or more of the

interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law except as otherwise provided under subsections 6 and 7 of this section, or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the United States, or shall not be a person of good moral character. (2) No license issued under this chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. The division of liquor control shall promulgate rules to enforce the provisions of this subdivision. (3) No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent by weight, except to a resident corporation as defined in this section. 3. A"resident corporation"is defined to be a corporation incorporated under the laws of this state, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight, or owned or controlled, directly or indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent by weight. 4. The term"financial interest"as used in this chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever. 5. The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the supervisor. 6. Any person whose license or permit issued under this chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this chapter five years after the date of the revocation. 7. Any person whose license or permit issued under this chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five years after the date of the revocation. The person may be issued a new license or permit at the discretion of the division of alcohol and tobacco control. If the division denies the request for a new permit or license, the person may not submit a new application for five years from the date of the denial. If the application is approved, the person shall pay all fees required by law for the license or permit. Any person whose request for a new license or permit is denied may seek a determination by the administrative hearing commission as provided under section 311.691. ---------- (RSMo 1939 § 4906, A.L. 1947 V. I p. 370, A.L. 1987 H.B. 520 merged with H.B. 62 & 70, A.L. 2009 H.B. 132, A.L. 2016 S.B. 994, A.L. 2021 S.B. 26) (1975) Held governor's power to pardon is limited to criminal prosecutions and does not extend to administrative revocation of license. The court also held that the governor has no authority to "order" an action by the director of liquor control when the statute places such duty on the director. Theodoro v. Department of Liquor Control (Mo.), 527 S.W.2d 350.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.061 - Stock ownership not deemed financial interest, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.061. Stock ownership not deemed financial interest, when. —Notwithstanding the definition of "financial interest" contained in section 311.060, service as a member of the board of directors of a corporation, the stock of which is traded on the New York or American Stock Exchange or NASDAQ, or ownership of less than ten percent of the outstanding shares in such corporation, shall not constitute a financial interest in such corporation or a subsidiary thereof. ---------- (L. 1985 H.B. 166, A.L. 1994 S.B. 474)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.070 - Financial interest in retail businesses by certain licensees prohibited, exceptions — penalties — definitions — activities permitted between wholesalers and licensees — certain contracts unenforceable — installation of nonrefrigeration dispensing accessories — contributions to certain organizations permitted, when — sale of Missouri wines only, license issued, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.070. Financial interest in retail businesses by certain licensees prohibited, exceptions — penalties — definitions — activities permitted between wholesalers and licensees — certain contracts unenforceable — installation of nonrefrigeration dispensing accessories — contributions to certain organizations permitted, when — sale of Missouri wines only, license issued, when. —1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents

shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of alcohol and tobacco control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and 1:30 a.m., Monday through Saturday and between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095. 2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of subsection 1 of this section, or permit his or her employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows: (1) For the first offense, by a fine of one thousand dollars; (2) For a second offense, by a fine of five thousand dollars; and (3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked. 3. As used in this section, the following terms mean: (1)"Consumer advertising specialties", advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors; (2)"Equipment and supplies", glassware (or similar containers made of other materials), carbon dioxide (and other gasses used in dispensing equipment), ice, nonrefrigerated rolling coolers, portable bars, agitating tanks, tubs, tents not to exceed one hundred square feet in size, and any permanently inscribed or securely affixed brand identified nonrefrigerated item that promotes intoxicating liquor; (3)"Nonrefrigeration dispensing accessories", includes regulators, gauges, vents, nuts, clamps, splicers, keg stackers, washers, shanks, wall brackets, beer and air distributors, beer line insulation, beer and gas hoses, faucets, taps, tap standards, couplers, air pumps draft arms, blankets or other coverings for temporary wrapping of barrels, tavern head and their internal parts, and any other technology or parts necessary to preserve and serve intoxicating liquor that are not self-refrigerating; (4)"Permanent point-of-sale advertising materials", advertising items designed to be used within a retail business establishment for an extended period of time to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials shall only include inside signs (electric, mechanical or otherwise), mirrors, table umbrellas, and sweepstakes/contest prizes displayed on the licensed premises; (5)"Product display", wine racks, portable branded nonrefrigerated coolers, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products; (6)"Promotion", an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer; (7)"Temporary point-of-sale advertising materials", advertising items designed to be used for short periods of time. Such materials include, but are not limited to: banners, decorations reflecting a particular season or a limited-time promotion, or paper napkins, coasters, cups, tap handles, ice buckets, condiment caddies, napkin holders, bar rail mats, shakers, salt rimmers, or menus. 4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter: (1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to a retail business if all of the following requirements are met: (a) The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the three hundred dollar limits to provide a retail business a product display in excess of three hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product display. Transportation and installation costs shall be excluded; (b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller, wholesaler, winemaker or brewer. The name and address of the retail business may appear on the product displays; and (c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business to obtain the product display; (2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker or brewer may provide, give or sell any permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties to a retail business if all the following requirements are met: (a) The total value of all permanent point-of-sale advertising materials provided to a retail business by a distiller, wholesaler, winemaker, or brewer shall not exceed five hundred dollars per calendar year, per brand, per retail outlet. The replacement of similar in appearance, type, and dollar value permanent point-of-sale advertising materials that are damaged and nonfunctioning shall not count towards the maximum of five hundred dollars per calendar year, per brand, per retail outlet. The value of permanent point-of-sale advertising materials is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded. All permanent point-of-sale advertising materials provided to a retailer shall be recorded, and records shall be maintained for a period of three years; (b) The provider of permanent point-of-sale advertising materials shall own and otherwise control the use of permanent point-of-sale advertising materials that are provided by any distiller, wholesaler, winemaker, or brewer; (c) All permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller,

wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or the consumer advertising specialties; and (d) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the permanent point-of-sale advertising materials, temporary point-of-sale advertising materials, or consumer advertising specialties or for any incidental expenses arising from their use or distribution; (3) A distiller, wholesaler, winemaker, or brewer may give a gift not to exceed a value of one thousand dollars per year to a holder of a temporary permit as described in section 311.482; (4) The distiller, wholesaler, winemaker, or brewer may sell equipment and supplies to a retail business if all the following requirements are met: (a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies; and (b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the code of state regulations; (5) The wholesaler or brewer may install nonrefrigeration dispensing accessories at the retail business establishment, which shall include for the purposes of beer equipment to properly preserve and serve draught beer only and to facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or repair nonrefrigeration dispensing accessories and damage caused by any beer delivery excluding normal wear and tear. A complete record of equipment and supplies, and nonrefrigeration dispensing accessories furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year; (6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell cleaning and sanitation services to a retailer to preserve product integrity of distilled spirits, wine, or malt beverages; (7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met: (a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size; (b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer; (c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license; (d) For the purpose of this subsection, the word"brand"refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such a different style, type, size of container, or differences in color or design of a label are not considered different brands; (8) The distiller, wholesaler, winemaker or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items any more than the actual cost of purchasing such nonalcoholic items from the supplier; (9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business; (10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met: (a) The advertisement shall not contain the retail price of the product; (b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement; (c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and (d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business; (11) Distillers, winemakers, wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. The sweepstakes/contest prize dollar amount shall not be limited and can be displayed in a photo, banner, or other temporary point-of-sale advertising materials on a licensed premises, if the following requirements are met: (a) No money or something of value is given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest; and (b) The actual sweepstakes/contest prize is not displayed on the licensed premises if the prize value exceeds the permanent point-of-sale advertising materials dollar limit provided in this section; (12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the retail business so long as the products of any other distiller, wholesaler, winemaker or brewer are not altered or disturbed; (13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine or malt beverages; (14) The distiller, wholesaler, winemaker or brewer participating in the activities of a retail business association may do any of the following: (a) Display, serve, or donate its products at or to a convention or trade show; (b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity; (c) Provide its own hospitality which is independent from the association activity; (d) Purchase tickets to functions and pay registration or sponsorship fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity; (e) Make payments for advertisements in programs or brochures issued by retail business associations if the total payments made for all such advertisements are fair and reasonable; (f) Pay dues to the retail business association if such dues or payments are fair and reasonable; (g) Make payments or donations for retail employee training on preventive sales to minors and intoxicated persons, checking identifications, age verification devices, and the alcohol and tobacco control laws; (h) Make contributions not to exceed one thousand dollars per calendar year for transportation services that shall be used to assist patrons from retail establishments to his or her residence or overnight accommodations; (i) Donate or serve up to five hundred dollars per event of alcoholic products at retail

business association activities; and (j) Any retail business association that receives payments or donations shall, upon written request, provide the division of alcohol and tobacco control with copies of relevant financial records and documents to ensure compliance with this subsection; (15) The distiller, wholesaler, winemaker or brewer may sell or give a permanent outside sign to a retail business if the following requirements are met: (a) The sign, which shall be constructed of metal, glass, wood, plastic, or other durable, rigid material, with or without illumination, or painted or otherwise printed onto a rigid material or structure, shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer; (b) The retail business shall not be compensated, directly or indirectly, for displaying the permanent sign or a temporary banner; (c) The cost of the permanent sign shall not exceed five hundred dollars; and (d) Temporary banners of a seasonal nature or promoting a specific event shall not be constructed to be permanent outdoor signs and may be provided to retailers. The total cost of temporary outdoor banners provided to a retailer in use at any one time shall not exceed five hundred dollars per brand; (16) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight and malt liquor that was delivered in a damaged condition or damaged while in the possession of the retailer; (17) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight and malt liquor in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product; (18) In addition to withdrawals authorized pursuant to subdivision (17) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight and malt liquor in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if: (a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and (b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and (c) To assure and control product quality, a wholesaler may, but not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight and malt liquor, in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler removes the product within seven days of the initial delivery; (19) Wholesalers shall distribute consumer advertising specialties, equipment and supplies, nonrefrigeration dispensing accessories, permanent point-of-sale advertising materials, product display, promotion, and temporary point-of-sale advertising materials to their retailers in a fair and reasonable manner; and (20) Nothing in this section authorizes consignment sales. 5. (1) A distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages shall not condition the sale of its alcoholic beverages on the sale of its nonalcoholic beverages nor combine the sale of its alcoholic beverages with the sale of its nonalcoholic beverages, except as provided in subdivision (8) of subsection 4 of this section. The distiller, wholesaler, winemaker, or brewer that is also in business as a bona fide producer or vendor of nonalcoholic beverages may sell, credit, market, and promote nonalcoholic beverages in the same manner in which the nonalcoholic products are sold, credited, marketed, or promoted by a manufacturer or wholesaler not licensed by the supervisor of alcohol and tobacco control. (2) Any fixtures, equipment, or furnishings provided by any distiller, wholesaler, winemaker, or brewer in furtherance of the sale of nonalcoholic products shall not be used by the retail licensee to store, service, display, advertise, furnish, or sell, or aid in the sale of alcoholic products regulated by the supervisor of alcohol and tobacco control. All such fixtures, equipment, or furnishings shall be identified by the retail licensee as being furnished by a licensed distiller, wholesaler, winemaker, or brewer. 6. Distillers, wholesalers, brewers and winemakers, or their officers or directors shall not require, by agreement or otherwise, that any retailer purchase any intoxicating liquor from such distillers, wholesalers, brewers or winemakers to the exclusion in whole or in part of intoxicating liquor sold or offered for sale by other distillers, wholesalers, brewers, or winemakers. 7. Notwithstanding any other provisions of this chapter to the contrary, a distiller, winemaker, or wholesaler may install nonrefrigeration dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits and wine equipment to properly preserve and serve premixed distilled spirit and wine beverages only. To facilitate delivery to the retailer, the distiller, winemaker, or wholesaler may lend, give, rent or sell and the distiller, winemaker, or wholesaler may install or repair nonrefrigeration dispensing accessories and damage caused by any delivery excluding normal wear and tear. A complete record of nonrefrigeration dispensing accessories furnished and installed and repairs or service made or rendered shall be kept by the distiller, winemaker, or wholesaler furnishing, making or rendering the same for a period of not less than one year. 8. Distillers, wholesalers, winemakers, brewers or their employees or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable, fraternal, civic, service, veterans', or religious organization as defined in section 313.005, or an educational institution if such contributions are unrelated to such organization's retail operations. 9. Distillers, brewers, wholesalers, and winemakers may make payments for advertisements in programs or brochures of tax-exempt organizations licensed under section 311.090 if the total payments made for all such advertisements are the same as those paid by other vendors. 10. A brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds. 11. For the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of alcohol and tobacco control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises where sold, if the premises so licensed is in close proximity to the winery. Such premises shall be closed during the hours

specified under section 311.290 and may remain open between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. 12. For the purpose of the promotion of tourism, a person may apply for and the supervisor of alcohol and tobacco control may issue a license to sell intoxicating liquor by the drink at retail for consumption on the premises where sold, but seventy-five percent or more of the intoxicating liquor sold by such licensed person shall be Missouri-produced wines received from manufacturers licensed under section 311.190. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. ---------- (RSMo 1939 § 4879, A.L. 1984 S.B. 441, A.L. 1986 S.B. 444, A.L. 1987 H.B. 62 & 70, A.L. 1995 S.B. 43, A.L. 1996 S.B. 933, A.L. 2000 H.B. 1631, A.L. 2002 S.B. 834, A.L. 2005 S.B. 262, A.L. 2007 S.B. 299 & S.B. 616, A.L. 2009 H.B. 132, A.L. 2017 H.B. 115, A.L. 2021 S.B. 126) (2020) Section and related regulations on information that alcohol manufacturers, wholesalers, distributors and retailers could include in commercial advertisements violates the First Amendment of the U. S. Constitution. Missouri Broadcasters Association v. Schmitt, 946 F.3d 453 (8th Cir.).

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.071 - Special events, not-for-profit organizations, contributions of money permitted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.071. Special events, not-for-profit organizations, contributions of money permitted, when. —1. Distillers, wholesalers, winemakers, brewers, or their employees or officers may make contributions of money for special events where alcohol is sold at retail to a not-for-profit organization that: (1) Does not hold a liquor license; (2) Less than forty percent of the members and officers are liquor licensees; (3) Is registered with the secretary of state as a not-for-profit organization; and (4) Of which no part of the net earnings or contributions inures to the benefit of any private shareholder or any retail licensee member of such organization.--The contributions from distillers, wholesalers, winemakers, brewers, or their employees or officers shall be used to pay special event infrastructure expenses unrelated to any retail alcohol sales, which include, but are not limited to: security, sanitation, fencing, entertainment, and advertising. --The contributions from distillers, wholesalers, winemakers, brewers, or their employees or officers shall be used to pay special event infrastructure expenses unrelated to any retail alcohol sales, which include, but are not limited to: security, sanitation, fencing, entertainment, and advertising. 2. Distillers, wholesalers, winemakers, brewers, retailers, or their employees or officers may make contributions of money for festivals as defined in section 316.150 where alcohol is sold at retail to a not-for-profit organization that: (1) Is registered with the secretary of state as a not-for-profit organization; (2) Of which no part of the net earnings or contributions, directly or indirectly, inures to the benefit of any private shareholder or any retail licensee member of such organization; and (3) Uses the contributions from distillers, wholesalers, winemakers, brewers, retailers, or their employees or officers only to pay special event infrastructure expenses unrelated to any retail alcohol sales, which include, but are not limited to, security, sanitation, fencing, advertising and transportation. 3. Any not-for-profit organization that receives contributions under this section shall allow the division of alcohol and tobacco control full access to the organization's records for audit purposes. ---------- (L. 2007 S.B. 299 & S.B. 616, A.L. 2013 S.B. 121)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.075 - Financial interests in distillery in close proximity to a recreational resort.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.075. Financial interests in distillery in close proximity to a recreational resort. —1. Notwithstanding any other provisions of this chapter to the contrary, for the purpose of the promotion of tourism, a retailer, its employees, officers, shareholders, and agents may have a financial interest in a distillery for the manufacturing of intoxicating liquors located in close proximity to the grounds of a recreational resort owned, in whole or in part, by the retailer, its subsidiaries, or affiliates. As used in this section, the term"recreational resort"shall mean any grounds used to entertain guests that are owned and operated as part of a facility by the retailer, its subsidiaries, or affiliates, which shall have a restaurant, at least thirty rooms for overnight accommodations, and outdoor activities that include fishing or golf. The distillery shall be in close proximity to the grounds of the recreational resort. 2. A retailer who is a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the recreational resort's grounds shall be exempt from the provisions of section 311.280, for such intoxicating liquor that is manufactured in close proximity to the grounds of the recreational resort in accordance with the provisions of this chapter. All other intoxicating liquor sold by the drink at retail for consumption on the recreational resort's grounds shall be obtained in accordance with section 311.280. 3. The holder of a recreational resort distillery license*pursuant to this section may also sell intoxicating liquor produced on the distillery premises to duly licensed wholesalers, and all such sales to wholesalers shall be subject to the provisions of sections 311.275 and 311.540. However, holders of a recreational resort distillery license shall not, under any circumstances, directly or indirectly, have any financial interest in any Missouri wholesaler's business. ---------- (L. 2017 H.B. 115) *Word "licensed" appears in original rolls.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.080 - Sale of liquor prohibited near schools and churches, exceptions.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.080. Sale of liquor prohibited near schools and churches, exceptions. —1. No license shall be granted for the sale of intoxicating liquor, as defined in this chapter, within one hundred feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the board of alderman, city council, or other proper authorities of any incorporated city, town, or village,

except that when a school, church or place of worship shall hereafter be established within one hundred feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten days' written notice has been provided to all owners of property within one hundred feet of the proposed licensed premises. 2. The board of aldermen, city council or other proper authorities of any incorporated city, town or village may by ordinance prohibit the granting of a license for the sale of intoxicating liquor within a distance as great as three hundred feet of any school, church, or other building regularly used as a place of religious worship. In such cases, and where the ordinance has been lawfully enacted, no license of any character shall be issued in conflict with the ordinance while it is in effect; except, that when a school, church or place of worship is established within the prohibited distance from any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. 3. Subsection 1 of this section shall not apply to a license issued by the supervisor of alcohol and tobacco control for the sale of intoxicating liquor pursuant to section 311.218 or to a license issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization which has obtained an exemption from the payment of federal taxes. 4. Subsection 1 of this section shall not apply to any premises holding a license issued before January 1, 2004, by the supervisor of alcohol and tobacco control for the sale of intoxicating liquor. To retain a license under this subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety days. ---------- (RSMo 1939 § 4948, A.L. 1959 H.B. 139, A.L. 2003 S.B. 298, A.L. 2005 S.B. 262)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.082 - Labeling of kegs sold at retail for off-premise consumption, procedures.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.082. Labeling of kegs sold at retail for off-premise consumption, procedures. —1. As used in this section, the following terms shall mean: (1)"Keg", any container capable of holding four gallons or more of beer, wine, or intoxicating liquor and which is designed to dispense beer, wine, or intoxicating liquor directly from the container for purposes of consumption. Any nonreturnable container with a capacity of less than six gallons shall not be considered a keg under this section; (2)"Supervisor of alcohol and tobacco control", the person appointed pursuant to section 311.610. 2. Each keg sold at retail for off-premise consumption shall be labeled with a numbered identification tag. The division of alcohol and tobacco control may prescribe the numbered identification tags to be used for this purpose. The recyclable numbered identification tag shall be affixed to the handle on the top chime of the keg. The recyclable numbered identification tag shall be supplied by the division of alcohol and tobacco control without fee and securely affixed to the keg by the licensee making the sale. 3. Each retail licensee shall require each keg purchaser to present valid identification and a minimum deposit of fifty dollars per keg at the time of purchase. On the identification form provided by the division of alcohol and tobacco control the licensee shall record for each keg sale the date of sale, the size of keg, keg tag identification number, the amount of container deposit, the name, address, and date of birth of the purchaser, and the form of identification presented by such purchaser. The purchaser shall sign a statement at the time of purchase attesting to the accuracy of the purchaser's name and address and acknowledging that misuse of the keg or its contents may result in civil liability, criminal prosecution, or both. The licensee shall retain the identification form for a minimum of three months following the sale of the keg. 4. The licensee shall not refund a deposit for a keg that is returned without the numbered identification tag intact and legible. The licensee shall record the date of return of the keg and the condition of the numbered identification tag on the identification form required pursuant to subsection 3 of this section. The licensee may retain any deposit not refunded for this reason. Upon the return of a properly tagged keg from a consumer, the licensee shall remove the tag from the keg and retain such tag with the identification form as required pursuant to subsection 3 of this section. 5. The supervisor shall promulgate rules and regulations for the administration of this section and shall design all necessary forms. No rule, regulation, or portion of a rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536. 6. The provisions of this section shall become effective on July 1, 2004. 7. This section shall fully preempt and supersede any ordinances, rules, or regulations made by any city, county, or other political subdivision of the state of Missouri which regulate the selling, labeling, or registering of kegs. This section shall not impose any new or additional civil or criminal liability upon the retail licensee. ---------- (L. 2003 S.B. 298 § 1, A.L. 2005 S.B. 262)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.085 - License for sale of intoxicating liquor by the drink in unincorporated areas of county — sale of malt liquor and light wines by drink and in package, annual fee (first class charter counties).

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.085. License for sale of intoxicating liquor by the drink in unincorporated areas of county — sale of malt liquor and light wines by drink and in package, annual fee (first class charter counties). —Any person possessing the qualifications and meeting the requirements of this chapter and the ordinances, rules and regulations of the first class county having a charter form of government in which such licensee proposes to operate his business may apply for, and the supervisor of liquor control may issue, a license for the sale by the drink of intoxicating liquor on the premises described in the application. This license shall be valid only for premises located wholly within the unincorporated areas of such a county. ---------- (L. 1967 p. 423, A.L. 1981 S.B. 126, A.L. 1994 S.B. 474 merged with S.B. 710, A.L. 1995 S.B. 43)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.086 - Portable bars, entertainment district special license — definitions — issuance, procedure (Kansas City).

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.086. Portable bars, entertainment district special license — definitions —

issuance, procedure (Kansas City). —1. As used in this section, the following terms mean: (1)"Common area", any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility; (2)"Entertainment district", any area located in a home rule city with more than four hundred thousand inhabitants and located in more than one county with a population of at least four thousand inhabitants that: (a) Is located in the city's central business district which is the historic core locally known as the city's downtown area; (b) Contains a combination of entertainment venues, bars, nightclubs, and restaurants; and (c) Is designated as a redevelopment area by the governing body of the city under and pursuant to the Missouri downtown and rural economic stimulus act, sections 99.915 to 99.1060; (3)"Portable bar", any bar, table, kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place; (4)"Promotional association", an association, incorporated in the state of Missouri, which is organized or authorized by one or more property owners located within the entertainment district, who own or otherwise control not less than one hundred thousand square feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants, and other entertainment venues, for the purpose of organizing and promoting activities within the entertainment district. For purposes of determining ownership or control as set forth in this subdivision, the square footage of premises used for residential, office or retail uses, (other than bars, nightclubs, restaurants, and other entertainment venues), parking facilities, and hotels within the entertainment district shall not be used in the calculation of square footage. 2. Notwithstanding any other provisions of this chapter to the contrary, any person acting on behalf of or designated by a promotional association, who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, an entertainment district special license to sell intoxicating liquor by the drink for retail for consumption dispensed from one or more portable bars within the common areas of the entertainment district until 3:00 a.m. on Mondays through Saturdays and from 6:00 a.m. on Sundays and until 1:30 a.m. on Mondays. 3. An applicant granted an entertainment district special license under this section shall pay a license fee of three hundred dollars per year. 4. Notwithstanding any other provision of this chapter to the contrary, on such days and at such times designated by the promotional association, in its sole discretion, provided such times are during the hours a license is allowed under this chapter to sell alcoholic beverages, the promotional association may allow persons to leave licensed establishments, located in portions of the entertainment district designated by the promotional association, with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of the entertainment district designated by the promotional association. No person shall take any alcoholic beverage or alcoholic beverages outside the boundaries of the entertainment district or portions of the entertainment district as designated by the promotional association, in its sole discretion. At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in common areas of all or any portion of the entertainment district designated by the promotional association, the promotional association must and shall ensure that minors can be easily distinguished from persons of legal age buying alcoholic beverages. 5. Every licensee within the entertainment district must and shall serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee. 6. The holder of an entertainment district special license is solely responsible for alcohol violations occurring at its portable bar and in any common area. ---------- (L. 2005 H.B. 58 § 311.087 merged with S.B. 262, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.088 - Special permit for sale of intoxicating liquor by the drink from 6 a.m. to 3 a.m. the following day — limit on number of permits per year — fee (Kansas City).

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.088. Special permit for sale of intoxicating liquor by the drink from 6 a.m. to 3 a.m. the following day — limit on number of permits per year — fee (Kansas City). —Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a home rule city with more than four hundred thousand inhabitants and located in more than one county may be issued a special permit by the state and such city. Notwithstanding the provisions of section 311.089 to the contrary, the special permit issued under this section shall allow the licensed premises to sell intoxicating liquor from 6:00 a.m. until 3:00 a.m. on the morning of the following day within one twenty-four hour period. Any person granted a special permit under this section shall only be authorized to receive up to six such special permits from the city in a calendar year. For every special permit issued under the provisions of this section, the permittee shall pay to the director of the department of revenue the sum of fifty dollars. ---------- (L. 2011 H.B. 101)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.089 - Sunday liquor sales by the drink, permitted when (St. Louis City, Kansas City).

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.089. Sunday liquor sales by the drink, permitted when (St. Louis City, Kansas City). —Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by-the-drink license between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. The license fee for such Sunday by-the-drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment. ---------- (L. 2003 S.B. 298 § 2, A.L. 2012 H.B. 1498, A.L. 2021 S.B.

126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.090 - Sale of liquor by the drink, cities, requirements.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.090. Sale of liquor by the drink, cities, requirements. —1. Any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, and the ordinances, rules and regulations of the incorporated city in which such licensee proposes to operate his business, may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises described in the application; provided, that no license shall be issued for the sale of intoxicating liquor, other than malt liquor as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold to any person other than a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended, in any incorporated city having a population of less than nineteen thousand five hundred inhabitants, until the sale of such intoxicating liquor, by the drink at retail for consumption on the premises where sold, shall have been authorized by a vote of the majority of the qualified voters of the city. Such authority shall be determined by an election to be held in those cities having a population of less than nineteen thousand five hundred inhabitants as determined by the last preceding federal decennial census, under the provisions and methods set out in this chapter. Once such licenses are issued in a city with a population of at least nineteen thousand five hundred inhabitants, any subsequent loss of population shall not require the qualified voters of such a city to approve the sale of such intoxicating liquor prior to the issuance or renewal of such licenses. No license shall be issued for the sale of intoxicating liquor, other than malt liquor as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, by the drink at retail for consumption on the premises where sold, outside the limits of such incorporated cities unless the licensee is a charitable, fraternal, religious, service or veterans' organization which has obtained an exemption from the payment of federal income taxes as provided in Section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(7), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the United States Internal Revenue Code of 1954, as amended. 2. If any charitable, fraternal, religious, service, or veterans' organization has a license to sell intoxicating liquor on its premises pursuant to this section and such premises includes two or more buildings in close proximity, such permit shall be valid for the sale of intoxicating liquor at any such building. ---------- (RSMo 1939 § 4890, A.L. 1981 S.B. 126, A.L. 1983 H.B. 85, et al., A.L. 1984 S.B. 441, A.L. 1990 H.B. 1180, A.L. 1993 S.B. 76, A.L. 1994 S.B. 474, A.L. 1995 S.B. 43, A.L. 2009 H.B. 132, A.L. 2012 H.B. 1498, A.L. 2016 S.B. 919)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.091 - Boat or vessel, liquor sale by drink, requirements, fee.

Title XX ALCOHOLIC BEVERAGES Chapter 311 *311.091. Boat or vessel, liquor sale by drink, requirements, fee. —1. Except as provided under subsection 2 of this section and notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter and who meets the requirements of and complies with the provisions of this chapter may apply for and the supervisor of alcohol and tobacco control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any boat, or other vessel licensed by the United States Coast Guard to carry thirty or more passengers for hire on navigable waters in or adjacent to this state, which has a regular place of mooring in a location in this state or within two hundred yards of a location which would otherwise be licensable under this chapter. The license shall be valid even though the boat, or other vessel, leaves its regular place of mooring during the course of its operation. 2. For every license for sale of liquor by the drink at retail for consumption on the premises of any boat or other vessel issued under the provisions of this section, the licensee shall pay to the director of revenue the sum of three hundred dollars per year. ---------- (L. 1981 S.B. 126 § 5, A.L. 2013 S.B. 121, A.L. 2016 S.B. 994) *Effective 10-14-16, see § 21.250. S.B. 994 was vetoed July 1, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.092 - Liquor by the drink on vessels regularly moored in city of St. Louis.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.092. Liquor by the drink on vessels regularly moored in city of St. Louis. —Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises of any boat, or other vessel which travels on water, which has a regular place of mooring within the limits of a city not within a county with a population of more than six hundred thousand inhabitants. The license shall be valid even though the boat, or other vessel, leaves the corporate limits of the city during the course of its operation. ---------- (L. 1974 S.B. 394)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.095 - Resorts, seasonal resort restaurants, restaurants, sale of liquor by the drink, resort defined — temporary license, new businesses,

when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.095. Resorts, seasonal resort restaurants, restaurants, sale of liquor by the drink, resort defined — temporary license, new businesses, when. —1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of any resort as described in the application. As used in this section the term"resort"means any establishment having at least thirty rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales, or means a seasonal resort restaurant with food sales as determined in subsection 2 of this section. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort. 2. A seasonal resort restaurant is a restaurant which is not a new restaurant establishment and which is open for business eight or fewer consecutive months in any calendar year. Fifty percent of all gross sales of such restaurant shall be sales of prepared meals. Any new seasonal resort restaurant establishment having been in operation for less than twelve weeks may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the seasonal resort restaurant establishment can show a projection for annualized gross sales of which fifty percent shall be sales of prepared meals. The temporary license fee and the annual license fee shall be prorated to reflect the period of operation of the seasonal resort restaurant. The license shall be valid only during the period for which application was made and for which the fee was paid. Any seasonal resort restaurant upon resuming business for its season of operation shall not be considered a new establishment for purposes of issuing a temporary license. Nothing in this subsection shall prohibit a seasonal resort restaurant from becoming a resort restaurant upon application, payment of fees, and compliance with the requirements of this chapter. 3. The times for opening and closing the establishments as fixed in section 311.290, the authority for the collection of fees by counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold shall apply to resorts in the same manner as they apply to establishments licensed under section 311.090. 4. Any new resort or restaurant establishment having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises for a period not to exceed ninety days if the resort or restaurant establishment can show a projection of an annual gross receipts of not less than seventy-five thousand dollars per year with at least fifty thousand dollars of such gross receipts from nonalcoholic sales. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment. ---------- (L. 1967 p. 423, A.L. 1974 S.B. 348, A.L. 1981 S.B. 126, A.L. 1987 S.B. 150, A.L. 1993 H.B. 63, A.L. 1994 S.B. 474, A.L. 1995 S.B. 43)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.096 - Common eating and drinking area, defined — licenses for sale of liquor by the drink not for consumption on premises — fees — extended hours for convention trade areas.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.096. Common eating and drinking area, defined — licenses for sale of liquor by the drink not for consumption on premises — fees — extended hours for convention trade areas. —1. As used in this section, the term"common eating and drinking area"means an area or areas within a building or group of buildings designated for the eating of food and drinking of liquor sold at retail by establishments which do not provide areas within their premises for the consumption of food and liquor; where the costs of maintaining such area or areas are shared by the payment of common area maintenance charges, as provided in the respective leases permitting the use of such areas, or otherwise; and where the annual gross income from the sale of prepared meals or food consumed in such common eating and drinking area is, or is projected to be, at least two hundred seventy-five thousand dollars. 2. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, or who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license. In addition to all other fees required by law, each establishment in a common eating and drinking area licensed under this subsection shall pay to the director of revenue the sum of three hundred dollars per year. The times for selling intoxicating liquor as fixed in section 311.290, the authority for the collection of fees by counties and cities as provided in section 311.220, and all other laws and regulations of this state relating to the sale of intoxicating liquor by the drink shall apply to each establishment licensed under this subsection in the same manner as they apply to establishments licensed under sections 311.085 and 311.090. 3. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of alcohol and tobacco control may issue, a license to

sell intoxicating liquor, as defined in this chapter, between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, as described in the application for such license. In addition to all other fees required by law, each establishment in a common eating and drinking area licensed under this subsection shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees. 4. Any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor by the drink at retail not for consumption on the premises where sold but for consumption in a common eating and drinking area, may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on all days of the week between the hours of 1:30 a.m. to 3:00 a.m. To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the county or city. An applicant granted a special permit under this section shall pay, in addition to all other fees required by this chapter, an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees. ---------- (L. 1986 S.B. 444, A.L. 1994 S.B. 474, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.099 - Controlled access liquor cabinet system for qualified establishments — definitions — license — employees, requirements — temporary license, when — sales to establishment, requirements.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.099. Controlled access liquor cabinet system for qualified establishments — definitions — license — employees, requirements — temporary license, when — sales to establishment, requirements. —1. As used in this section, the following terms mean: (1)"Controlled access liquor cabinet", a closed container, either refrigerated in whole or in part or nonrefrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, access by means of a locking device as hereinabove described; (2)"Controlled access liquor cabinet system", a system for the sale of intoxicating liquor in qualified packages or containers in the rooms provided for the overnight accommodation of transient guests in a qualified establishment by means of a controlled access liquor cabinet, and such system shall permit the licensee to maintain in the rooms provided for the overnight accommodation of transient guests a controlled access liquor cabinet in which such licensee may maintain for sale intoxicating liquor in qualified packages or containers, together with, if desired, other beverages or food, and such system shall permit the adult registered guests of the room in which such controlled access liquor cabinet is located to use the key, magnetic card or other similar device to gain access to such controlled access liquor cabinet to obtain the intoxicating liquor or other beverages or food for consumption; (3)"Qualified establishment", any establishment having at least forty rooms for the overnight accommodation of transient guests and having a restaurant or similar facility on the premises at least sixty percent of the gross income of which is derived from the sale of prepared meals or food, which restaurant's annual gross food sales for the past two years immediately preceding its application for a license shall not have been less than one hundred thousand dollars per year or, if such restaurant has been in operation for less than two years, such restaurant has been in operation for at least ninety days preceding the application for license for sale of intoxicating liquor by means of controlled access liquor cabinets and has a projected experience based upon its sale of food during the preceding ninety days which would exceed one hundred thousand dollars per year; (4)"Qualified packages or containers", packages or containers for intoxicating liquor, other than beer or other malt liquor, which hold not less than fifty milliliters and not more than two hundred milliliters, and any packages or containers for beer or other malt liquor; (5)"Registered guest", each person who signs his name to the guest register of the qualified establishment or takes some other equivalent action for the purpose of registering as a guest of such qualified establishment; (6)"Room", a room in a qualified establishment which is intended to be used as, and which is provided for, the overnight accommodation of transient guests. 2. Notwithstanding any other provision of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, and who operates a qualified establishment and who is licensed to sell liquor by the drink at retail with respect to such qualified establishment, may apply for, and the supervisor of liquor control shall issue, a license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system on and subject to the following terms and conditions: (1) The key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in a particular room may be provided only to each adult registered guest who is registered to stay in such room; (2) Prior to providing a key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in a particular room to the registered guest, the licensee shall verify that each such registered guest to whom such key, magnetic card or similar device is to be provided is not a minor, as defined by section 311.310; (3) All employees handling the intoxicating liquor to be placed in the controlled access liquor cabinet, including without limitation any employee who inventories and/or restocks and replenishes the intoxicating liquor in the controlled access liquor cabinet, shall be at least eighteen years of age and shall obtain such employee permits as the city, county or other local governmental entity in which the qualified establishment is located requires to be obtained by employees of the restaurant operated at such qualified establishment; provided, however, that no such employee permits shall be required of any employee who handles the intoxicating liquor in the original case and who does not open such original case; (4) Registered guests may use the key, magnetic card or other similar device required to attain access to the controlled access liquor cabinet in such registered guest's room at any time; provided, however, that no controlled access liquor cabinet may be restocked or replenished with intoxicating liquor, nor shall any intoxicating liquor be delivered to a room in order to restock or replenish the supply of intoxicating liquor in the controlled access liquor cabinet, at any time when the restaurant operated at the qualified establishment is not permitted to sell liquor by the drink at retail pursuant to the provisions of this chapter; (5) Upon request from the registered guest

at any time, the qualified establishment shall cause all intoxicating liquor to be removed from the controlled access liquor cabinet in the room of such registered guest as soon as reasonably practicable; and (6) The qualified establishment shall have the right to collect payment for the intoxicating liquor or other beverages or food taken from the controlled access liquor cabinet in the room of a registered guest in such manner as it shall determine to be appropriate, including without limitation the inclusion of such charges together with the charges made to such registered guest for the use of the room or for purchase of meals at the restaurant operated at such qualified establishment. 3. Any new qualified establishment having been in operation for less than ninety days may be issued a temporary license to sell intoxicating liquor in the rooms of such qualified establishment by means of a controlled access liquor cabinet system for a period not to exceed ninety days if such establishment can show a projection of an annual business from prepared meals or food which would exceed not less than one hundred thousand dollars per year. 4. In addition to any right to sell granted pursuant to any other provision of this chapter, a duly licensed wholesaler shall be permitted to sell intoxicating liquor to a qualified establishment in any size of qualified packages or containers for use in a controlled access liquor cabinet system; provided, however, that as to any size of qualified packages or containers which could not be legally sold to the qualified establishment except for the provisions of this section, any such size of qualified packages or containers shall be sold by the qualified establishment only by means of the controlled access liquor cabinet system. ---------- (L. 1984 S.B. 441, A.L. 1993 H.B. 63) Effective 6-7-93

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.100 - Sale by drink defined.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.100. Sale by drink defined. —The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty milliliters shall be deemed"sale by the drink", and may be made only by a holder of a retail liquor dealer's license and when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served. ---------- (RSMo 1939 § 4915, A.L. 1980 S.B. 511, A.L. 1984 S.B. 441)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.101 - Unfinished bottles of wine may be carried out of a restaurant bar, when — transportation permitted — wineries, unfinished bottles of wine may be removed, when — transportation permitted — definition of winery.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.101. Unfinished bottles of wine may be carried out of a restaurant bar, when — transportation permitted — wineries, unfinished bottles of wine may be removed, when — transportation permitted — definition of winery. —1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar, as defined in section 311.097*, to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions: (1) The patron must have ordered a meal; (2) The bottle or bottles of wine must have been at least partially consumed during the meal; (3) The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and (4) The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags. 2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in subsection 1 of this section, in a vehicle, shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar-furnished, one-time-use, tamperproof, transparent bags with the seals intact. 3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions: (1) The bottle or bottles of wine must have been at least partially consumed at the winery; (2) The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and (3) The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamperproof, transparent bags and securely seal the bags. 4. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under subsection 3 of this section shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery-furnished, one-time-use, tamperproof, transparent bags with the seals intact. 5. As used in this section"winery"means any establishment at which wine is made. ---------- (L. 2005 S.B. 262) *Section 311.097 was repealed by H.B. 1498, 2012

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.110 - Election to determine whether liquor may be sold by drink — procedure.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.110. Election to determine whether liquor may be sold by drink — procedure. —Upon application by petition signed by one-fifth of the voters of any incorporated city, who are qualified to vote for members of the legislature in such incorporated city of this state, the board of aldermen, city council or other proper officials of such incorporated city shall submit the question to the voters of the incorporated city, to determine whether or not intoxicating liquor, as defined in this chapter, other than malt liquor containing not to exceed five percent of alcohol by weight, shall be sold, furnished or given away within the corporate limits of such incorporated city; and the result thereof shall be entered upon the records of such

board of aldermen, city council or other proper officials, provided further, that the board of aldermen, city council or other proper officials shall determine the sufficiency of the petition presented by the poll books of the last previous city election. ---------- (RSMo 1939 § 4935, A.L. 1978 H.B. 971)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.130 - Form of ballot.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.130. Form of ballot. —The question shall be submitted in substantially the following form: Shall intoxicating liquor, containing alcohol in excess of five percent (5%) by weight, be sold by the drink at retail for consumption on the premises where sold? ---------- (RSMo 1939 § 4937, A.L. 1965 p. 502, A.L. 1978 H.B. 971)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.140 - Result of election — favorable vote.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.140. Result of election — favorable vote. —If a majority of the votes cast on the question be for the sale of intoxicating liquor, containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, such intoxicating liquors may be sold under the provisions of existing laws regulating the sale thereof and the procuring of a license for that purpose; and if a majority of the votes cast on the question be against the sale of intoxicating liquor, containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, the board of aldermen, city council or other proper authorities of such incorporated city submitting the question shall publish the result once a week for four consecutive weeks in the same newspaper in which the notice of submission of the question was published, and the provisions of this chapter shall take effect and be in force from and after the date of the last insertion of the publication last above referred to; and provided further, that no license to sell intoxicating liquor, by the drink at retail for consumption on the premises where sold, other than malt liquor containing not to exceed five percent of alcohol by weight, shall be granted during the time of publication last above mentioned; provided further, that this law shall not be construed to interfere with any license issued before the date of the filing of the petition for the submission of the question, but such license may run until the date of its expiration and shall not be renewed. The election in this chapter provided for, and the result thereof, may be contested in the same manner as is now provided for by law for the contest of elections of county officers in this state, by any voter of such incorporated city in which said election shall be held, by an action to contest, and which shall be brought against the city holding such election. ---------- (RSMo 1939 § 4938, A.L. 1978 H.B. 971)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.150 - Result of election — unfavorable vote.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.150. Result of election — unfavorable vote. —If a majority of the votes cast on the question held under the provisions of this chapter shall be against the sale of intoxicating liquor containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, it shall not be lawful for any person within the limits of such incorporated city to, directly or indirectly, sell, give away or barter in any manner whatever intoxicating liquor, by the drink at retail for consumption on the premises where sold, except malt liquor, containing alcohol not to exceed five percent by weight, under proper license, in any quantity whatever, under the penalties prescribed in this chapter. ---------- (RSMo 1939 § 4939, A.L. 1978 H.B. 971)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.160 - Question may be resubmitted, when — manner.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.160. Question may be resubmitted, when — manner. —Whenever the question submitted in this chapter provided for has been decided for or against the sale of intoxicating liquor containing alcohol in excess of five percent by weight, by the drink at retail for consumption on the premises where sold, then the question shall not be again submitted within four years next thereafter in the same incorporated city, and then only on a petition and in every respect conforming to the provisions of this law. ---------- (RSMo 1939 § 4940, A.L. 1978 H.B. 971)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.170 - Local option provisions applicable only to sales for consumption on premises.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.170. Local option provisions applicable only to sales for consumption on premises. —The provisions made by this chapter for local option shall be held to be applicable only to sales for consumption on the premises where sold, and shall not be construed to prevent the sale of intoxicating liquor in the original package and not to be opened or consumed on the premises where sold, nor to prevent the sale, at retail by the drink for consumption on the premises where sold, of malt liquor containing not to exceed five percent of alcohol by weight, under license issued in accordance with the provisions of this chapter. ---------- (RSMo 1939 § 4941)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.174 - Convention trade area, Kansas City, North Kansas City, Jackson County, liquor sale by drink, extended hours for business, requirements, fee.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.174. Convention trade area, Kansas City, North Kansas City, Jackson County, liquor sale by drink, extended hours for business, requirements, fee. —1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a city with a population of at least four thousand inhabitants which borders the Missouri River and also borders a city with a population of over three hundred thousand inhabitants located in at least three counties, in a city with a population of over three hundred thousand which is located in whole or in part within a first class county having a charter form of government or in a first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants, may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day; except that, an entity exempt from federal income taxes under Section 501(c)(7) of the Internal Revenue Code of 1986, as amended, and located in a building designated as a National Historic Landmark by the United States Department of the Interior may apply for a license to remain open until 6:00 a.m. of the following day. The time of opening on Sunday may be 6:00 a.m. The provisions of this section and not those of section 311.293 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. When the premises of such an applicant is located in a city as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the city. When the premises of such an applicant is located in a county as defined in this section, then the premises must be located in an area which has been designated as a convention trade area by the governing body of the county. 2. An applicant granted a special permit under this section shall in addition to all other fees required by this chapter pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees. 3. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any first class county having a charter form of government which contains all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section. ---------- (L. 1981 S.B. 126 § 4, A.L. 1986 S.B. 500, A.L. 1995 S.B. 43, A.L. 2007 S.B. 299 & S.B. 616, A.L. 2012 H.B. 1498, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.176 - Convention trade area, St. Louis City, liquor sale by drink, extended hours for business, requirements, fee — resort defined.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.176. Convention trade area, St. Louis City, liquor sale by drink, extended hours for business, requirements, fee — resort defined. —1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a city not located within a county may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 6:00 a.m. The provisions of this section and not those of section 311.293 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the city and the applicant must meet at least one of the following conditions: (1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or (2) The business is a resort. For purposes of this section, a"resort"is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises. 2. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees. ---------- (L. 1981 S.B. 126 § 3, A.L. 1986 S.B. 500, A.L. 1996 S.B. 933, A.L. 2012 H.B. 1498, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.178 - Convention trade area, St. Louis County, liquor sale by drink, extended hours for business, requirements, fee — resort defined — special permit for liquor sale by drink (Miller, Morgan, and Camden counties).

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.178. Convention trade area, St. Louis County, liquor sale by drink, extended hours for business, requirements, fee — resort defined — special permit for liquor sale by drink (Miller, Morgan, and Camden counties). —1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the first classification having a charter form of government and not containing all or part of a city with a population of over three hundred thousand may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 6:00 a.m. The provisions of this section and not those of section 311.293 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The premises of such an applicant shall be located in an area which has been designated as a convention trade area by the governing body of the county and the applicant shall meet at least one of the following conditions: (1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or (2) The business is a resort. For purposes of this subsection, a"resort"is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises. 2. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by

the drink at retail for consumption on the premises in a county of the third classification without a township form of government having a population of more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, a county of the third classification without a township form of government having a population of more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants or a county of the first classification without a charter form of government with a population of at least thirty-seven thousand inhabitants but not more than thirty-seven thousand one hundred inhabitants may apply to the supervisor of alcohol and tobacco control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 6:00 a.m. The provisions of this section and not those of section 311.293 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The applicant shall meet all of the following conditions: (1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred thousand dollars or more; (2) The business is a resort. For purposes of this subsection, a"resort"is defined as any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises; and (3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of alcohol and tobacco control and shall provide a practical method for the division of alcohol and tobacco control and other law enforcement agencies to enforce the provisions of subsection 3 of this section. 3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort. 4. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees. 5. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any county of the first classification having a charter form of government which does not contain all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section. ---------- (L. 1981 S.B. 126 § 2, A.L. 1986 S.B. 500, A.L. 2002 S.B. 834, A.L. 2007 S.B. 299 & S.B. 616 merged with S.B. 613 Revision, A.L. 2012 H.B. 1498, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.179 - St. Louis Lambert International Airport and Kansas City International Airport, special permit, fee.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.179. St. Louis Lambert International Airport and Kansas City International Airport, special permit, fee. —1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail in an international airport located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants or in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat may apply to the supervisor of alcohol and tobacco control for a special permit which: (1) Allows the premises located in the international airport in such county to open at 4 a.m. and sell intoxicating liquor by the drink at retail for consumption. The provisions of this section and not those of section 311.293 regarding the time of opening shall apply to the sale of intoxicating liquor by the drink at retail for consumption on Sunday; (2) Allows persons to leave licensed establishments with an alcoholic beverage and enter other airport designated areas located within such airport. No person shall take any alcoholic beverage or beverages outside such designated areas, including onto any airplane; and (3) Requires every licensee within such international airport to serve alcoholic beverages in containers that display and contain the licensee's trade name or logo or some other mark that is unique to that license and licensee. 2. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees. ---------- (L. 2012 H.B. 1498, A.L. 2017 H.B. 115, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.180 - Manufacturers, wholesalers, solicitors — license fees — wholesalers, sale to gaming commission licensees, allowed.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.180. Manufacturers, wholesalers, solicitors — license fees — wholesalers, sale to gaming commission licensees, allowed. —1. No person, partnership, association of persons or corporation shall manufacture, distill, blend, sell or offer for sale intoxicating liquor within this state at wholesale or retail, or solicit orders for the sale of intoxicating liquor within this state without procuring a license from the supervisor of alcohol and tobacco control authorizing them so to do. For such license there shall be paid to and collected by the director of revenue annual charges as follows: (1) For the privilege of manufacturing and brewing in this state malt liquor containing not in excess of five percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquors containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred fifty dollars; (2) For the privilege of manufacturing in this state intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two

hundred dollars; (3) For the privilege of manufacturing, distilling or blending intoxicating liquor of all kinds within this state and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of four hundred and fifty dollars; (4) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of fifty dollars; (5) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars; (6) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of two hundred and fifty dollars; (7) For the privilege of selling intoxicating liquor containing not in excess of five percent of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of malt liquor containing not in excess of five percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of one hundred dollars; (8) For the privilege of selling intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor containing not in excess of twenty-two percent of alcohol by weight, to, by or through a duly licensed wholesaler within this state, the sum of two hundred dollars; (9) For the privilege of selling intoxicating liquor of all kinds by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail and the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquor of all kinds, to, by or through a duly licensed wholesaler within this state, the sum of five hundred dollars, except that a license authorizing the holder to sell to duly licensed wholesalers and to solicit orders for sale of intoxicating liquor, to, by or through a duly licensed wholesaler, shall not entitle the holder thereof to sell within the state of Missouri, direct to retailers; (10) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of vintage wine as defined in section 311.191, to, by, or through a duly licensed wholesaler within this state, the sum of five hundred dollars. 2. Solicitors, manufacturers and blenders of intoxicating liquor shall not be required to take out a merchant's license for the sale of their products at the place of manufacture or in quantities of not less than one gallon. 3. The provisions of this section relating to the privilege of selling malt liquor are subject to and limited by the provisions of sections 311.181 and 311.182. 4. The licenses prescribed in this section for the privilege of selling intoxicating liquor by a wholesaler to a person duly licensed to sell such intoxicating liquor at retail shall allow such wholesaler to sell intoxicating liquor to licensees licensed by the gaming commission to sell beer or alcoholic beverages pursuant to section 313.840. ---------- (RSMo 1939 § 4898, A.L. 1945 p. 1043, A.L. 1985 H.B. 369, A.L. 1994 S.B. 651, A.L. 1995 S.B. 43, A.L. 2007 S.B. 299 & S.B. 616)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.181 - Wholesaler's license to sell malt liquor, geographical area limitation — exception — requirements.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.181. Wholesaler's license to sell malt liquor, geographical area limitation — exception — requirements. —1. In addition to any other information or documents required by law, an applicant for a license which grants alone or with other privileges the privilege of selling intoxicating liquor containing not in excess of five percent of alcohol by weight by a wholesaler to a person duly licensed to sell such malt liquor at retail shall submit to the supervisor of liquor control a statement under oath designating clearly the geographical area within which the applicant has been authorized by the brewer to sell such malt liquor, the brand or brands he proposes to sell, and the brewer or brewers who manufacture the brands, and affirming that the applicant will maintain a warehouse and delivery facilities within the designated geographical area. Each such wholesaler applicant shall enter into a written agreement with the brewer of the brand or brands which the applicant proposes to sell, which agreement must specifically designate a geographic area within which such wholesaler applicant is authorized to sell such brand or brands. A copy of such written agreement shall be filed with the supervisor of liquor control as a part of such application. It shall be unlawful for any such wholesaler applicant, who is granted a license hereunder, to sell any brand or brands of malt liquor in the state of Missouri except in the designated geographic area described in said agreement. Provided, however, that when such an applicant is prevented from servicing the designated geographic area due to fire, flood, or other causes beyond his reasonable control, another licensed wholesaler not within the designated geographic area may sell the specified brands of malt liquor in that designated geographic area, if the applicant wholesaler who is prevented from servicing the area consents thereto and approval is obtained from the applicable brewer and the supervisor of liquor control. 2. A specified geographic area designation in any agreement required by this section shall be changed only upon a written agreement between the wholesaler and the brewer, and shall be filed pursuant to this section and the supervisor shall require the brewer and wholesaler to verify that the level of service within the designated geographic area will not be affected by such change. 3. No provision of any written agreement required by this section shall expressly or by implication or in its operation establish or maintain the resale price of any brand or brands of beer by the licensed wholesaler. 4. The provisions of section 311.720 shall not apply to this section. ---------- (L. 1985 H.B. 369, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.182 - Exclusive areas for wholesales — violation of area limitations by wholesalers or brewers, penalties.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.182. Exclusive areas for wholesales — violation of area limitations by wholesalers or brewers, penalties. —1. No brewer or manufacturer of malt liquor, who designates a specific geographic area for

which a wholesaler shall be responsible, shall enter into any agreement with any other person for the purpose of establishing an additional wholesaler for the same brands of malt liquor in such designated area. Provided, however, that section 311.181 and this section shall not prevent a brewer, manufacturer or wholesaler of malt liquor from exercising or enforcing any rights or obligations established by or contained within any written agreement required by section 311.181. 2. Any wholesaler or brewer who shall violate the provisions of section 311.181 or this section, or permit his employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished only as follows: (1) For the first offense, by a fine of one thousand dollars; (2) For a second offense, by a fine of five thousand dollars; and (3) For a third offense, by a fine of twenty-five thousand dollars. 3. The provisions of section 311.720 shall not apply to this section. ---------- (L. 1985 H.B. 369, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.185 - Shipments of alcohol to residents permitted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.185. Shipments of alcohol to residents permitted, when. —1. Notwithstanding any rule, law, or regulation to the contrary, any person currently licensed in this state or any other state as a wine manufacturer may apply for and the supervisor of alcohol and tobacco control may issue a wine direct shipper license, as provided in this section, which allows a wine manufacturer to ship up to two cases of wine per month directly to a resident of this state who is at least twenty-one years of age for such resident's personal use and not for resale. Before sending any shipment to a resident of this state, the wine manufacturer shall first obtain a wine direct shipper license as follows: (1) File an application with the division of alcohol and tobacco control; and (2) Provide to the division of alcohol and tobacco control a true copy of its current alcoholic beverage license issued in this state or any other state, as well as a copy of the winery license from the Alcohol and Tobacco Tax and Trade Bureau. 2. All wine direct shipper licensees shall: (1) Not ship more than two cases of wine per month to any person for his or her personal use and not for resale; (2) Not use any carrier for shipping of wine that is not licensed under this section; (3) Only ship wine that is properly registered with the Alcohol and Tobacco Tax and Trade Bureau; (4) Only ship wine manufactured on the winery premises; (5) Ensure that all containers of wine delivered directly to a resident of this state are conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or are conspicuously labeled with wording preapproved by the division of alcohol and tobacco control; (6) If the winery is located outside of this state, by January thirty-first, make a report under oath to the supervisor of alcohol and tobacco control setting out the total amount of wine shipped into the state the preceding year; (7) If the winery is located outside of this state, pay the division of alcohol and tobacco control all excise taxes due on the amount to be calculated as if the sale were in this state at the location where the delivery is made; (8) If the winery is located within this state, provide the division of alcohol and tobacco control any additional information deemed necessary beyond that already required for retail sales from the winery tasting room to ensure compliance with this section; (9) Permit the division of alcohol and tobacco control to perform an audit of the wine direct shipper licensees' records upon request; and (10) Be deemed to have consented to the jurisdiction of the division of alcohol and tobacco control or any other state agency and the Missouri courts concerning enforcement of this section and any related laws, rules, or regulations. 3. The wine direct shipper licensee may annually renew its license with the division of alcohol and tobacco control by providing the division of alcohol and tobacco control all required items provided in subsection 1 of this section. 4. Notwithstanding any law, rule, or regulation to the contrary, any carrier may apply for and the supervisor of alcohol and tobacco control may issue an alcohol carrier license, as provided in this section, which allows the carrier to transport and deliver shipments of wine directly to a resident of this state who is at least twenty-one years of age or older. Before transporting any shipment of wine to a resident of this state, the carrier shall first obtain an alcohol carrier license by filing an application with the division of alcohol and tobacco control. 5. All alcohol carrier licensees shall: (1) Not deliver to any person under twenty-one years of age, or to any intoxicated person, or any person appearing to be in a state of intoxication; (2) Require valid proof of identity and age; (3) Obtain the signature of an adult as a condition of delivery; and (4) Keep records of wine shipped which include the license number and name of the winery or retailer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine. 6. The division of alcohol and tobacco control may promulgate rules to effectuate the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void. ---------- (L. 2007 S.B. 299 & S.B. 616)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.190 - Wine or brandy manufacturer's license, fee — use of materials produced outside state, limitation, exception — what sales may be made, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.190. Wine or brandy manufacturer's license, fee — use of materials produced outside state, limitation, exception — what sales may be made, when. —1. For the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of federal law applicable thereto except as may otherwise be specified in this section, in quantities not to exceed five hundred thousand gallons, not in excess of eighteen percent of alcohol by weight for wine, or not in excess of thirty-four percent of alcohol by weight for brandy, from grapes, berries, other fruits, fruit

products, honey, and vegetables produced or grown in the state of Missouri, exclusive of sugar, water and spirits, there shall be paid to and collected by the director of revenue, in lieu of the charges provided in section 311.180, a license fee of five dollars for each five hundred gallons or fraction thereof of wine or brandy produced up to a maximum license fee of three hundred dollars. 2. Notwithstanding the provisions of subsection 1 of this section, a manufacturer licensed under this section may use in any calendar year such wine- and brandy-making material produced or grown outside the state of Missouri in a quantity not exceeding fifteen percent of the manufacturer's wine entered into fermentation in the prior calendar year. 3. In any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the director of the department of agriculture shall determine the percent of loss and allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the state of Missouri to be used and offered for sale by Missouri wineries. 4. A manufacturer licensed under this section may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this section and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this section may offer samples of wine, may sell wine and brandy in its original package directly to consumers at the winery, and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 a.m. and midnight and on Sunday between 6:00 a.m. and 1:30 a.m. on Mondays. ---------- (L. 1943 p. 620 § 4898a, A.L. 1945 p. 1056, A.L. 1969 H.B. 237, A.L. 1979 H.B. 701, A.L. 1982 H.B. 1323, A.L. 1993 H.B. 63, A.L. 1994 S.B. 474, A.L. 1999 S.B. 391, A.L. 2007 S.B. 299 & S.B. 616, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.191 - Vintage wine, definition — sale of vintage wine through auction, authorized sellers — licenses to auction — auction conducted, where, no consumption, issuance period, fee — shipment out of state — tastings — auctioneer subject to regulations — penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.191. Vintage wine, definition — sale of vintage wine through auction, authorized sellers — licenses to auction — auction conducted, where, no consumption, issuance period, fee — shipment out of state — tastings — auctioneer subject to regulations — penalty. —1. As used herein, the term"vintage wine"means bottled domestic white, rose or sparkling wine which is not less than five years old, domestic red wine which is not less than ten years old, or imported white, rose, red, sparkling or port wine which is not less than three years old. 2. Notwithstanding any other provisions of this chapter, any municipality or person legally owning, controlling or possessing a private collection of vintage wines in their original packages, including an executor, administrator, personal representative, guardian or conservator of an estate, sheriff, trustee in bankruptcy, or person appointed or authorized by a court to act upon or execute a court order or writ of execution with regard to the disposition of that vintage wine, is authorized to sell that vintage wine at auction on consignment through an auctioneer licensed herein. The auctioneer involved in such sale shall ensure that each bottle of vintage wine sold from a private collection has a permanently fixed label stating that the bottle was acquired from a private collection. 3. The supervisor of liquor control is hereby authorized to issue a license to conduct auctions of vintage wine to any person licensed as an auctioneer pursuant to chapter 343 and regularly conducting business as an auctioneer at a fixed location in this state within a city in a county of the first classification with a charter form of government; provided, however, that no such license to auction vintage wine may be issued to any person, or any entity controlled in whole or in part by a person, who: (1) Has been convicted of a felony or of any offense under this chapter; (2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or previously possessed such a license which was revoked for cause; or (3) Has not been continuously in business in this state as an auctioneer for a period of ten years prior to making application for such license to auction vintage wine. The license to auction vintage wine shall be in addition to any license or permit requirements imposed by ordinance within the county or municipal jurisdictions in which the auctioneer conducts such business. 4. No auction of vintage wine may be conducted off the business premises of the auctioneer. No vintage wine sold at auction shall be consumed on the premises of the auctioneer, nor shall any original package of vintage wine be opened on such premises in the course of any such auction, except as provided herein. A license to conduct auctions of vintage wine shall be issued for a period of one year and shall authorize the auctioneer to conduct not more than six auctions of vintage wine during such year. The license shall be issued in such form and upon the completion of such application as may be required by the supervisor of liquor control. The fee for such license shall be five hundred dollars per year. 5. A municipality or person legally owning, controlling or possessing a private collection of vintage wines in their original packages may ship the vintage wine in such packages from any location within the state of Missouri to an auctioneer licensed pursuant to this act. Upon receipt of the vintage wine the auctioneer shall be responsible for the storage and warehousing thereof, for the labeling thereof pursuant to the requirements of subsection 2 of this section, for the delivery of the vintage wine to the purchasers at auction, and for the payment and transfer of any applicable state and local taxes in connection with the auction sale. 6. An auctioneer licensed to sell vintage wine pursuant to this section may hold vintage wine tastings on the premises where an auction of such vintage wine is to be conducted within the period of twenty-four hours immediately preceding the commencement of the auction. 7. An auctioneer licensed pursuant to this section shall be subject to all restrictions, regulations and provisions of this chapter governing the acquisition, storage and sale of intoxicating liquor for off-premises consumption which are not inconsistent with the provisions of this section. 8. An auctioneer who affixes a label to any bottle of vintage wine, as provided in subsection 2 of this section, without having determined through the exercise of reasonable diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor, shall be subject to cancellation of the license issued pursuant to

subsection 3 of this section. ---------- (L. 1996 S.B. 933, A.L. 2005 S.B. 262)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.192 - Wine manufacturer defined.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.192. Wine manufacturer defined. —The term"wine manufacturer"as used in this chapter shall mean any person, partnership, association of persons, or corporation who has procured a license under subdivision (2) of subsection 1 of section 311.180 or section 311.190, and who manufactures in excess of two hundred gallons of wine per calendar year. ---------- (L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.193 - Vintage wine, municipalities may sell by sealed bids — issuance of license, restrictions — consumption on premises prohibited, when — shipping — wine tastings — violations, penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.193. Vintage wine, municipalities may sell by sealed bids — issuance of license, restrictions — consumption on premises prohibited, when — shipping — wine tastings — violations, penalty. —1. As used in this section, the term"vintage wine"means bottled domestic white, rose, or sparkling wine which is not less than five years old, domestic red wine which is not less than ten years old, or imported white, rose, red, sparkling, or port wine which is not less than three years old. 2. Notwithstanding any other provisions of this chapter, any municipality legally owning, controlling or possessing a private collection of vintage wines in their original packages is authorized to sell such vintage wine through a sealed bid process. The municipality may set a minimum bid and may reserve the right to reject all bids. The municipality shall designate a municipal employee to sell vintage wine through a sealed bid process who shall ensure that each bottle of vintage wine sold from a private collection has a permanently fixed label stating that the bottle was acquired from a private collection. 3. The supervisor of liquor control is hereby authorized to issue a license to a designated municipal employee provided that no such license to sell vintage wine through a sealed bid process may be issued to any person, who: (1) Has been convicted of a felony or of any offense under this chapter; (2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or previously possessed such a license which was revoked for cause. 4. The license to sell vintage wine through a sealed bid process shall be in addition to any license or permit requirements imposed by ordinance within the county or municipality. 5. No vintage wine sold through the sealed bid process shall be consumed on the premises of the municipality, nor shall any original package of vintage wine be opened on such premises, except as provided herein. A license to sell vintage wine through a sealed bid process shall be issued for a period of one year and shall authorize the designated municipal employee to sell such wine not more than six different times during that year. The license shall be issued in such form and upon completion of such application as may be required by the supervisor of liquor control. The fee for such license shall be fifty dollars per year which shall be paid by the municipality. 6. The municipality legally owning, controlling, or possessing a private collection of vintage wines in their original packages may ship the vintage wine in such packages from any location within the state of Missouri to the designated municipal employee licensed pursuant to this section. Upon receipt of the vintage wine the designated municipal employee shall be responsible for the storage and warehousing thereof, for the labeling thereof pursuant to the requirements of subsection 2 of this section, for the delivery of the vintage wine to the purchasers, and for the payment and transfer of any applicable state and local taxes in connection with the sale. 7. The designated municipal employee licensed to sell vintage wine pursuant to this section may hold vintage wine tastings on the premises where the vintage wine is stored within the period of twenty-four hours immediately preceding the first date on which sealed bids will be accepted. 8. The designated municipal employee licensed pursuant to this section shall be subject to all restrictions, regulations, and provisions of this chapter governing the acquisition, storage, and sale of intoxicating liquor for off-premises consumption which are not inconsistent with the provisions of this section. 9. A municipal employee designated by the municipality to sell vintage wine through a sealed bid process who affixes a label to any bottle of wine, as provided in subsection 2 of this section, without having determined through the exercise of reasonable diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor, shall be subject to a cancellation of the license issued pursuant to subsection 3 of this section. ---------- (L. 2005 S.B. 262)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.195 - Microbrewery, defined — license, fee — retail license allowed, procedure — sale to wholesalers allowed, when — certain exemptions, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.195. Microbrewery, defined — license, fee — retail license allowed, procedure — sale to wholesalers allowed, when — certain exemptions, when. —1. As used in this section, the term"microbrewery"means a business whose primary activity is the brewing and selling of beer, with an annual production of ten thousand barrels or less. 2. A microbrewer's license shall authorize the licensee to manufacture beer and malt liquor in quantities not to exceed ten thousand barrels per annum. In lieu of the charges provided in section 311.180, a license fee of five dollars for each one hundred barrels or fraction thereof, up to a maximum license fee of two hundred fifty dollars, shall be paid to and collected by the director of revenue. 3. Notwithstanding any other provision of this chapter to the contrary, the holder of a microbrewer's license may apply for, and the supervisor of alcohol and tobacco control may issue, a license to sell all kinds of intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the premises of the microbrewery or in close proximity to the microbrewery. No holder of a microbrewer's license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more

than ten licenses to sell intoxicating liquor by the drink at retail for consumption on the premises. 4. The holder of a microbrewer's license may also sell beer and malt liquor produced on the brewery premises to duly licensed wholesalers. However, holders of a microbrewer's license shall not, under any circumstances, directly or indirectly, have any financial interest in any wholesaler's business, and all such sales to wholesalers shall be subject to the restrictions of sections 311.181 and 311.182. 5. A microbrewer who is a holder of a license to sell intoxicating liquor by the drink at retail for consumption on the premises shall be exempt from the provisions of section 311.280, for such intoxicating liquor that is produced on the premises in accordance with the provisions of this chapter. For all other intoxicating liquor sold by the drink at retail for consumption on the premises that the microbrewer possesses a license for must be obtained in accordance with section 311.280. ---------- (L. 1990 H.B. 1180, A.L. 1993 H.B. 63, A.L. 2003 S.B. 298 merged with S.B. 540, A.L. 2009 H.B. 132, A.L. 2016 S.B. 919)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.196 - Consumption off the premises, sale of beer permitted for restaurant bar without an on-site brewery, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.196. Consumption off the premises, sale of beer permitted for restaurant bar without an on-site brewery, when. —Notwithstanding any other provision of law to the contrary, any restaurant bar without an on-site brewery that serves twenty or more different types of draft beer may sell thirty-two fluid ounces or more of such beer to customers for consumption off the premises of such bar or tavern. As used in this section, the term"restaurant bar"means any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises. ---------- (L. 2009 H.B. 132, A.L. 2012 H.B. 1498)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.197 - Samples, furnishing and acceptance of, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.197. Samples, furnishing and acceptance of, when. —1. A wholesaler of malt liquor may furnish or give, and a retailer may accept, a sample of malt liquor as long as the retailer has not previously purchased the brand of malt liquor from that wholesaler if all of the following requirements are met: (1) The sample shall not be more than seventy-two fluid ounces; except if a particular product is not available in a size of seventy-two fluid ounces or less, a wholesaler may furnish or give the next larger size to the retailer; (2) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer; and (3) No samples of malt liquor provided shall be consumed or opened on the premises of the retailer except as provided by the retail license. 2. For purposes of this section, brands shall be differentiated by differences in the brand names of the products or the nature of the products, including products that differ in the designation of class, type, or kind. Differences in packaging, such as differences in the style, type, or size of the product container or the color or design of a label shall not be considered different brands. ---------- (L. 2013 S.B. 121)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.198 - Portable refrigeration units, lease to retail licensee, when — requirements — duration of lease — rulemaking authority — expiration date.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.198. Portable refrigeration units, lease to retail licensee, when — requirements — duration of lease — rulemaking authority — expiration date. —1. Notwithstanding any other provision of law, rule, or regulation to the contrary, a brewer may lease to the retail licensee and the retail licensee may accept portable refrigeration units at a total lease value equal to the cost of the unit to the brewer plus two percent of the total lease value as of the execution of the lease. Such portable refrigeration units shall remain the property of the brewer. The brewer may also enter into lease agreements with wholesalers, who may enter into sublease agreements with retail licensees in which the value contained in the sublease is equal to the unit cost to the brewer plus two percent of the total lease value as of the execution of the lease. If the lease agreement is with a wholesaler, the portable refrigeration units shall become the property of the wholesaler at the end of the lease period, which is to be defined between the brewer and the wholesaler. A wholesaler may not directly or indirectly fund the cost or maintenance of the portable refrigeration units. Brewers shall be responsible for maintaining adequate records of retailer payments to be able to verify fulfillment of lease agreements. No portable refrigeration unit may exceed forty cubic feet in storage space. A brewer may lease, or wholesaler may sublease, not more than one portable refrigeration unit per retail location. Such portable refrigeration unit may bear in a conspicuous manner substantial advertising matter about a product or products of the brewer and shall be visible to consumers inside the retail outlet. Notwithstanding any other provision of law, rule, regulation, or lease to the contrary, the retail licensee is hereby authorized to stock, display, and sell any product in and from the portable refrigeration units. No dispensing equipment shall be attached to a leased portable refrigeration unit, and no beer, wine, or intoxicating liquor shall be dispensed directly from a leased portable refrigeration unit. Any brewer or wholesaler that provides portable refrigeration units shall within thirty days thereafter notify the division of alcohol and tobacco control on forms designated by the division of the location, lease terms, and total cubic storage space of the units. The division is hereby given authority, including rulemaking authority, to enforce this section and to ensure compliance by having access to and copies of lease, payment, and portable refrigeration unit records and information. 2. Any lease or sublease executed under this section shall not exceed five years in duration and shall not contain any provision allowing for or requiring the automatic renewal of the lease or sublease. 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of

the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void. 4. This section shall expire on January 1, 2026. Any lease or sublease executed under this section prior to January 1, 2026, shall remain in effect until the expiration of such lease or sublease. ---------- (L. 2016 S.B. 919, A.L. 2019 S.B. 197) Expires 1-01-26

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.200 - Licenses — retail liquor dealers — fees — applications.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.200. Licenses — retail liquor dealers — fees — applications. —1. No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his or her store a stock of goods having a value according to invoices of at least one thousand dollars, exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this law. For every license for sale at retail in the original package, the licensee shall pay to the director of revenue the sum of one hundred dollars per year. 2. For a permit authorizing the sale of malt liquor, as defined in section 311.490, by grocers and other merchants and dealers in the original package direct to consumers but not for resale, a fee of fifty dollars per year payable to the director of the department of revenue shall be required. The phrase"original package"shall be construed and held to refer to any package containing one or more standard bottles, cans, or pouches of beer. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. 3. For every license issued for the sale of malt liquor, as defined in section 311.490, at retail by drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year. Notwithstanding the provisions of section 311.290, any person licensed pursuant to this subsection may also sell malt liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. 4. For every license issued for the sale of malt liquor, as defined in section 311.490, and light wines containing not in excess of fourteen percent of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the licensee shall pay to the director of revenue the sum of fifty dollars per year. 5. For every license issued for the sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the licensee shall pay to the director of revenue the sum of three hundred dollars per year, which shall include the sale of intoxicating liquor in the original package. 6. For every license issued to any railroad company, railway sleeping car company operated in this state, for sale of all kinds of intoxicating liquor, as defined in this chapter, at retail for consumption on its dining cars, buffet cars and observation cars, the sum of one hundred dollars per year. A duplicate of such license shall be posted in every car where such beverage is sold or served, for which the licensee shall pay a fee of one dollar for each duplicate license. 7. All applications for licenses shall be made upon such forms and in such manner as the supervisor of alcohol and tobacco control shall prescribe. No license shall be issued until the sum prescribed by this section for such license shall be paid to the director of revenue. ---------- (RSMo 1939 § 4901, A.L. 1945 p. 1043, A.L. 1945 p. 1061, A. 1949 S.B. 1114, A.L. 1981 S.B. 126, A.L. 1983 H.B. 85, et al., A.L. 1995 S.B. 43, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132, A.L. 2013 S.B. 121, A.L. 2014 S.B. 653, A.L. 2014 H.B. 1304 merged with S.B. 689, A.L. 2016 S.B. 919, A.L. 2021 S.B. 126) (1954) Operator of drug store which was located within zoning district in city in which the sale of intoxicating liquors was not authorized, held not entitled to a license from the city for sale of such liquor in original packages. State ex rel. Barnett v. Sappington (A.), 266 S.W.2d 774.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.201 - Draft beer, sale of 32 to 128 fluid ounces dispensed on premises for consumption off premises — requirements.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.201. Draft beer, sale of 32 to 128 fluid ounces dispensed on premises for consumption off premises — requirements. —1. Any person who is licensed to sell intoxicating liquor in the original package at retail as provided in subsection 1 of section 311.200 may sell from thirty-two to one hundred twenty-eight fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one years of age to fill containers with draft beer. 2. No provision of law, rule, or regulation of the supervisor of alcohol and tobacco control shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish dispensing or cooling equipment, or containers that are filled or refilled under subsection 1 of this section, to any person who is licensed to sell intoxicating liquor in the original package at retail as provided in subsection 1 of section 311.200. 3. (1) Containers that are filled or refilled under subsection 1 of this section shall be affixed with a label or a tag that shall contain the following information in type not smaller than three millimeters in height and not more than twelve characters per inch: (a) Brand name of the product dispensed; (b) Name of brewer or bottler; (c) Class of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage; (d) Net contents; (e) Name and address of the business that filled or refilled the container; (f) Date of fill or refill; (g) The following statement: "This product may be unfiltered and unpasteurized. Keep refrigerated at all times.". (2) Containers that are filled or refilled under subsection 1 of this section shall be affixed with the alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 CFR Sections 16.20 to

16.22. 4. (1) The filling and refilling of containers shall only occur on demand by a customer and containers shall not be prefilled by the retailer or its employee. (2) Containers shall only be filled or refilled by an employee of the retailer. (3) Containers shall be filled or refilled as follows: (a) Containers shall be filled or refilled with a tube as described in subdivision (4) of this subsection and: a. Food grade sanitizer shall be used in accordance with the Environmental Protection Agency registered label use instructions; b. A container of liquid food-grade sanitizer shall be maintained for no more than ten malt beverage taps that will be used for filling and refilling containers; c. Each container shall contain no less than five tubes that will be used only for filling and refilling containers; d. The container shall be inspected visually for contamination; e. After each filling or refilling of a container, the tube shall be immersed in the container with the liquid food-grade sanitizer; and f. A different tube from the container shall be used for each filling or refilling of a container; or (b) Containers shall be filled or refilled with a contamination-free process and: a. The container shall be inspected visually for contamination; b. The container shall only be filled or refilled by the retailer's employee; and c. The filling or refilling shall be in compliance with the Food and Drug Administration Code 2009, Section 3-304.17(c). (4) Containers shall be filled or refilled from the bottom of the container to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the container or with a commercial filling machine. (5) When not in use, tubes to fill or refill shall be immersed and stored in a container with liquid food-grade sanitizer. (6) After filling or refilling a container, the container shall be sealed as set forth in subsection 1 of this section. ---------- (L. 2016 S.B. 919)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.202 - Sale of retailer-packaged alcoholic beverages to customers in containers for off-premises consumption, when — requirements.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.202. Sale of retailer-packaged alcoholic beverages to customers in containers for off-premises consumption, when — requirements. —1. Notwithstanding any provision of law to the contrary, any person who is licensed to sell intoxicating liquor at retail by the drink for on-premises consumption may sell retailer-packaged alcoholic beverages to customers in containers, filled on such premises by any employee of the retailer who is twenty-one years of age or older, for off-premises consumption if all the following requirements are met: (1) The container of the alcoholic beverage is rigid, durable, leakproof, sealable, and designed to prevent consumption without removal of the tamperproof cap or seal. A sealable container does not include a container with a lid with sipping holes or openings for straws; (2) The contents of each container do not exceed one hundred twenty-eight ounces; (3) The patron orders and purchases a meal from the licensee simultaneous with the alcoholic beverage purchase. For purposes of this subdivision, a"meal"is defined as food that has been prepared on-premises; (4) The number of alcoholic beverages sold under this section by a licensee for off-premises consumption is limited to twice the number of meal servings sold by the licensee for off-premises consumption; (5) The licensee provides the patron with a dated receipt or an electronic record for the meal and alcohol beverages; and (6) The container is either: (a) Placed in a one-time-use, tamperproof, transparent bag that is securely sealed; or (b) The container opening is sealed with tamperproof tape. --For purposes of this subdivision,"tamperproof"means that a lid, cap, or seal visibly demonstrates when a bag or container has been opened. 2. Containers that are filled under subsection 1 of this section shall be affixed with a label or a tag that contains the name and address of the business that filled the container, in type not smaller than three millimeters in height and not more than twelve characters per inch, and states, "THIS BEVERAGE CONTAINS ALCOHOL.". 3. The filling of a container under this section shall be in compliance with Section 3-304.17(C) of the 2009 Food and Drug Administration Food Code. 4. No provision of law, or rule or regulation of the division of alcohol and tobacco control, shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish containers that are filled under subsection 1 of this section to any person who is licensed to sell intoxicating liquor at retail. ---------- (L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.205 - Self-dispensing of beer permitted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 *311.205. Self-dispensing of beer permitted, when. —1. Any person licensed to sell liquor at retail by the drink for consumption on the premises where sold may use a self-dispensing system, which is monitored and controlled by the licensee and allows patrons of the licensee to self-dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two ounces of beer or sixteen ounces of wine per patron per authorization, to be dispensed by the self-dispensing system. 2. No provision of law or rule or regulation of the supervisor shall be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish self-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of self-dispensing systems. ---------- (L. 2012 H.B. 1498, A.L. 2016 S.B. 919 merged with S.B. 994) Effective 8-28-16 (S.B. 919); *10-14-16 (S.B. 994), see § 21.250 *S.B. 994 was vetoed July 1, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.210 - Application — remittance, made to whom, powers of supervisor.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.210. Application — remittance, made to whom, powers of supervisor. —1. All applications for all licenses mentioned in this chapter shall be made to the supervisor of liquor control and shall be accompanied by a proper remittance made payable to the director of revenue. 2. The supervisor of liquor control shall have the power and duty to determine whether each application for such license shall be approved or disapproved. Upon disapproval of any application for a license, the supervisor of liquor control shall so notify the applicant in writing, setting forth therein the grounds and reasons for

disapproval, and shall return therewith the applicant's remittance. Upon approval of any application for a license, the supervisor of liquor control shall issue to the applicant the appropriate license and contemporaneously with such issuance shall file a notice of the issuance of such license together with the applicant's remittance in payment of the same with the director of revenue. The director of revenue shall immediately issue a receipt in duplicate for such payment, one copy of which shall be filed with the supervisor of liquor control and one copy retained by the director of revenue. ---------- (RSMo 1939 § 4888, A.L. 1945 p. 1043)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.211 - Fishing skills contest, ticket sales to participants on premises not ground to deny license.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.211. Fishing skills contest, ticket sales to participants on premises not ground to deny license. —Sales of tickets for participation in fishing contests wherein the skill of the participant is an element shall not be construed as gambling or participation in gambling activities for the purpose of administering the provisions of this chapter or rules and regulations made pursuant thereto. The division of liquor control shall not deny, suspend or revoke any license issued under those chapters because of the sale of such tickets on the licensed premises. ---------- (L. 1989 S.B. 419 § 1, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.212 - Licenses, suspension or revocation of, violations occurring more than three years prior, not valid grounds.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.212. Licenses, suspension or revocation of, violations occurring more than three years prior, not valid grounds. —The division of liquor control shall not suspend, revoke, refuse to renew or refuse to grant a license issued under the provisions of this chapter based on a violation of any provision of this chapter or of any rule or regulation promulgated by the supervisor of liquor control, when such violation occurred more than three years prior to the division's decision to suspend, revoke, refuse to renew or refuse to grant such license. ---------- (L. 1987 S.B. 150 § 2, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.218 - Fourth of July celebrations, temporary permits for wine and malt liquor for certain organizations, fee.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.218. Fourth of July celebrations, temporary permits for wine and malt liquor for certain organizations, fee. —1. Other provisions of this chapter to the contrary notwithstanding, a permit for the sale of wine and malt liquor for consumption on the premises where sold may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for sale of such wine and malt liquor at any picnic, bazaar, fair, festival or similar gathering or event held to commemorate the annual anniversary of the signing of the Declaration of Independence of the United States. Such permit shall be issued only during the period from June fifteenth to July fifteenth annually and only for the day or days named therein and it shall not authorize the sale of wine and malt liquor except between the hours of 6:00 a.m. and 1:30 a.m. and for not more than seven days by any such organization. The permit may be issued to cover more than one place of sale within the general confines of the place where the gathering or event is held; provided, however, no permit shall be issued to any organization which selects or restricts the membership thereof on the basis of race, religion, color, creed, or place of national origin. For the permit, the holder thereof shall pay to the director of revenue the sum of one hundred dollars. No provision of law or rule or regulation of the supervisor shall prevent any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the holder of the permit at such gathering or event. 2. As used in this section the term"wine"means a beverage containing not in excess of fourteen percent of alcohol by weight. ---------- (L. 1983 H.B. 460, A.L. 2009 H.B. 132, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.220 - Counties and cities may charge for licenses — amount — display of license.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.220. Counties and cities may charge for licenses — amount — display of license. —1. In addition to the permit fees and license fees and inspection fees by this law required to be paid into the state treasury, every holder of a permit or license authorized by this law shall pay into the county treasury of the county wherein the premises described and covered by such permit or license are located, or in case such premises are located in the City of St. Louis, to the collector of revenue of said city, a fee in such sum not in excess of the amount by this law required to be paid into the state treasury for such state permit or license, as the county commission, or the corresponding authority in the City of St. Louis, as the case may be, shall by order of record determine, and shall pay into the treasury of the municipal corporation, wherein said premises are located, a license fee in such sum, not exceeding one and one-half times the amount by this law required to be paid into the state treasury for such state permit or license, as the lawmaking body of such municipality, including the City of St. Louis may by ordinance determine. 2. The board of aldermen, city council or other proper authorities of incorporated cities may charge for licenses issued to manufacturers, distillers, brewers, wholesalers and retailers of all intoxicating liquor, located within their limits, fix the amount to be charged for such license, subject to the limitations of this law, and provide for the collection thereof, make and enforce ordinances for the regulation and control of the sale of all intoxicating liquors within their limits, provide for penalties for the violation of such ordinances, where not inconsistent with the provisions of this law. 3. Every licensee shall keep displayed prominently at all times on their licensed premises any city or county license designating their premises as a place licensed by the

city or county to sell intoxicating liquors. Nonetheless, no application shall be disapproved by the supervisor of alcohol and tobacco control for failure to possess a city or county license when making application for a license. Within ten days from the issuance of said city or county license, the licensee shall file with the supervisor of alcohol and tobacco control a copy of such city or county license. ---------- (RSMo 1939 § 4904, A.L. 2016 S.B. 919) (1954) In certiorari proceeding to review denial of liquor license by city liquor control director, court could only quash its writ or quash the decision of the director of liquor control. State ex rel. Bruno v. Johnson (A.), 270 S.W.2d 99. (1956) Evidence that applicant for city liquor license was sole owner of business rather than partner of her husband held sufficient to require issuance of such license. State ex rel. Sirna v. Johnson (A.), 287 S.W.2d 114. (1957) City ordinance prohibiting sales by any wholesaler to retailers who are delinquent in payment of accounts to any wholesaler held valid and not in conflict with either the liquor control law or the nonintoxicating beer law. Passler v. Johnson (Mo.), 304 S.W.2d 903. (1968) Evidence sufficient to support petition for writ of mandamus to compel city council to issue liquor license. State v. City of St. Robert (A.), 424 S.W.2d 73. (1969) No provision is made for notice and hearing in case of municipal authority to grant or deny liquor license and court will not imply requirement of notice. Kopper Kettle Restaurants, Inc. v. City of St. Robert (A.), 439 S.W.2d 1.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.230 - Application for license to manufacture or sell made to supervisor.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.230. Application for license to manufacture or sell made to supervisor. —Application for license to manufacture or sell intoxicating liquor, under the provisions of this law, shall be made to the supervisor of liquor control. ---------- (RSMo 1939 § 4896, A.L. 1967 p. 424)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.240 - Period of license — federal license required — contents of license — renewals.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.240. Period of license — federal license required — contents of license — renewals. —1. On approval of the application and payment of the license tax provided in this chapter, the supervisor of liquor control shall grant the applicant a license to conduct business in the state for a term to expire with the thirtieth day of June next succeeding the date of such license. A separate license shall be required for each place of business. Of the license tax to be paid for any such license, the applicant shall pay as many twelfths as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first. 2. No such license shall be effective, and no right granted thereby shall be exercised by the licensee, unless and until the licensee shall have obtained and securely affixed to the license in the space provided therefor an original stamp or other form of receipt issued by the duly authorized representative of the federal government, evidencing the payment by the licensee to the federal government of whatever excise or occupational tax is by any law of the United States then in effect required to be paid by a dealer engaged in the occupation designated in said license. Within ten days from the issuance of said federal stamp or receipt, the licensee shall file with the supervisor of liquor control a photostat copy thereof, or such duplicate or indented and numbered stub therefrom as the federal government may have issued to the taxpayer with the original. 3. Every license issued under the provisions of this chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein. 4. Applications for renewal of licenses must be filed on or before the first day of May of each calendar year. 5. In case of failure to submit the completed renewal application required under subsection 4 of this section on or before the first day of May, there shall be added to the amount of the renewal fee a late charge of one hundred dollars from the second day of May to the last day of May; a late charge of two hundred dollars if the renewal application is submitted on the first day of June to the last day of June; or a late charge of three hundred dollars if the renewal application is submitted after the last day of June. ---------- (RSMo 1939 § 4897, A.L. 2007 S.B. 299 & S.B. 616)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.250 - Licenses nontransferable — exceptions.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.250. Licenses nontransferable — exceptions. —1. No license issued under this chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the supervisor of liquor control may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. 2. Whenever one or more members of a partnership withdraws from the partnership the supervisor of liquor control, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license. ---------- (RSMo 1939 § 4893, A.L. 1947 V. I p. 372)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.260 - More than five licenses by any one person prohibited, exception.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.260. More than five licenses by any one person prohibited, exception. —1. No person, corporation, employee, officer, agent, subsidiary, or affiliate thereof, shall: (1) Have more than five licenses; or (2) Be

directly or indirectly interested in any business of any other person, corporation, or employee, officer, agent, subsidiary, or affiliate thereof, who sells intoxicating liquor at retail by the drink for consumption on the premises described in any license; or (3) Sell intoxicating liquor at retail by the drink for consumption at the place of sale at more than five places in this state. 2. Notwithstanding any other provision of this chapter or municipal ordinance to the contrary, for the purpose of determining whether a person, corporation, employee, officer, agent, subsidiary, or affiliate thereof has a disqualifying interest in more than five licenses pursuant to subsection 1 of this section, there shall not be counted any license to sell intoxicating liquor at retail by the drink for consumption on the following premises: (1) Restaurants where at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on the premises where sold; or (2) Establishments which have an annual gross income of at least two hundred thousand dollars from the sale of prepared meals or food consumed on the premises where sold; or (3) Facilities designed for the performance of live entertainment and where the receipts for admission to such performances exceed one hundred thousand dollars per calendar year; or (4) Any establishment having at least forty rooms for the overnight accommodation of transient guests. ---------- (RSMo 1939 § 4907, A.L. 1971 S.B. 18, A.L. 1990 H.B. 1180, A.L. 1995 S.B. 43, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.265 - Retailer going out of business in debt to wholesaler, procedure — new license prohibited.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.265. Retailer going out of business in debt to wholesaler, procedure — new license prohibited. —When a retailer licensed under this chapter is delinquent beyond the permissible ordinary commercial credit period, the wholesaler shall notify the supervisor of liquor control in writing of the debt and no new or renewal license shall be issued to the retailer until the reported debt is satisfied. The wholesaler shall immediately notify the supervisor of liquor control in writing when the debt is satisfied. As used in this section, the term"retailer"shall include an individual, corporation, partnership or limited liability company, all officers and directors of such person or entity and all stockholders owning, legally or beneficially, directly or indirectly, ten percent or more of the stock of such person or entity. ---------- (L. 1985 H.B. 166, A.L. 1995 S.B. 43, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.270 - License for sale of malt liquor only — certain restrictions — penalty for violation.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.270. License for sale of malt liquor only — certain restrictions — penalty for violation. —1. It shall be unlawful for any person, holding a license for the sale of malt liquor only, to possess, consume, store, sell or offer for sale, give away or otherwise dispose of, upon or about the premises mentioned in said license, or, upon or about said premises, to suffer or permit any person to possess, consume, store, sell or offer for sale, give away or otherwise dispose of, any intoxicating liquor of any kind whatsoever other than malt liquor brewed or manufactured by the method, in the manner, and of the ingredients, required by the laws of this state. Whosoever shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction shall be punished as in this chapter provided as to misdemeanors. Upon such conviction becoming final, the license of the person so convicted shall forthwith, and without other or further action, order or proceeding, be deemed to have been revoked, and shall by the licensee be forthwith surrendered to the supervisor and cancelled. 2. No license for the sale of malt liquor only shall be issued to any person having in his possession or on the premises to be licensed a federal excise or occupational tax stamp or receipt, designating such person or premises as the person or place for dealing in intoxicating liquor other than malt liquors, or evidencing the payment of a tax for being a dealer in liquors other than malt liquors. If any person having a license for the sale of malt liquors only shall have in his possession or on the licensed premises a federal excise or occupational tax stamp or special tax receipt, designating such person or premises as the person or place for dealing in intoxicating liquors, except malt liquors, or evidencing the payment of a tax for being a dealer in liquor other than malt liquors, the license of such person shall be revoked by the supervisor. In any prosecution for the violation of this section, evidence that the defendant has in his possession or upon the premises in question a federal excise or occupational tax stamp or special tax receipt, designating such person or premises as the person or place for dealing in intoxicating liquors other than malt liquors, or evidencing the payment of a tax for being a dealer in liquors, other than malt liquors, shall be deemed prima facie evidence of a violation of the provisions of this section. 3. Any person holding a license for the sale of malt liquor only, who shall have in his possession or upon the licensed premises a federal excise or occupational tax stamp or receipt, designating such person or premises as the person or place for dealing in intoxicating liquors, except malt liquors, or evidencing the payment of a tax for being a dealer in liquor other than malt liquors, or for a term to expire after the expiration of his permit, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not less than three months, nor more than one year, or by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by both such fine and imprisonment. ---------- (RSMo 1939 § 4914, A. 1949 S.B. 1114)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.275 - Wholesale-solicitors registration required — primary American source of supply, defined — vintage wine registration — approval of application, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.275. Wholesale-solicitors registration required — primary American source of supply, defined — vintage wine registration — approval of application, when. —1. For purposes of tax revenue control,

beginning January 1, 1980, no holder of a license to solicit orders for the sale of intoxicating liquor, as defined in this chapter, within this state, other than a wholesale-solicitor, shall solicit, accept, or fill any order for any intoxicating liquor from a holder of a wholesaler's license issued under this chapter, unless the holder of such solicitor's license has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor sold or sought to be sold. The supervisor of alcohol and tobacco control shall provide forms for annual registration as the primary American source of supply, and shall prescribe the procedures for such registration. 2. Beginning January 1, 1980, no holder of a wholesaler's license issued under this chapter shall order, purchase or receive any intoxicating liquor from any solicitor, other than a wholesale-solicitor, unless the solicitor has registered with the division of alcohol and tobacco control as the primary American source of supply for the brand of intoxicating liquor ordered, purchased or received. 3. The term"primary American source of supply"as used herein shall mean the distiller, producer, the owner of the commodity at the time it became a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, the basic requirement being that the nonresident seller be the first source closest to the manufacturer in the channel of commerce from whom the product can be secured by American wholesalers. 4. Any vintage wine solicitor licensed under section 311.180 may register as the primary American source of supply for vintage wine with the division of alcohol and tobacco control, provided that another solicitor is not registered as the primary American source of supply for the vintage wine and the vintage wine has been approved for sale by the federal Alcohol and Tobacco Tax and Trade Bureau. 5. The supervisor of alcohol and tobacco control shall approve or deny any application for primary American source of supply for any intoxicating liquor product within five working days following the receipt of a properly completed application. Any such application for an intoxicating liquor product received by the supervisor of alcohol and tobacco control that is not approved or denied within five working days shall be considered conditionally approved and such intoxicating liquor product may be solicited, sold, shipped, ordered, purchased, and received in this state. All such applications submitted by applicants located in the state, and exclusively doing business in the state, shall be approved or denied before any such applications originating from other states are approved or denied. ---------- (L. 1979 H.B. 701, A.L. 2007 S.B. 299 & S.B. 616, A.L. 2017 H.B. 115)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.280 - Unlawful for licensed retailer to purchase from other than licensed wholesaler — prohibited acts.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.280. Unlawful for licensed retailer to purchase from other than licensed wholesaler — prohibited acts. —1. It shall be unlawful for any person in this state holding a retail liquor license to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this state. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this section. Any person violating any provision of this section shall be deemed guilty of a misdemeanor. 2. Any retailer licensed pursuant to this chapter shall not: (1) Sell intoxicating liquor with an alcohol content of less than five percent by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart, or cut apart; or (2) Repackage intoxicating liquor with an alcohol content of less than five percent by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured. ---------- (RSMo 1939 § 4913, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.290 - Time fixed for opening and closing premises — closed place defined — penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.290. Time fixed for opening and closing premises — closed place defined — penalty. —No person having a license issued pursuant to this chapter, nor any employee of such person, shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday, upon or about his or her premises. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. Sunday and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A"closed place"is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this section shall be deemed guilty of a class A misdemeanor. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail. ---------- (RSMo 1939 § 4891, A.L. 1941 p. 412, A.L. 1951 p. 16, A.L. 1957 p. 27, A.L. 1967 p. 424, A.L. 1979 S.B. 192, A.L. 1981 S.B. 128, A.L. 1987 S.B. 150, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132, A.L. 2013 S.B. 59, A.L. 2013 S.B. 121) (1954) Where customer placed groceries and illegally purchased whiskey in his car which was parked on driveway of grocery store, a search of his care cannot be objected to by store owner on prosecution for illegal sale of liquor. State v. Egan (A.), 272 S.W.2d 719. (1968) The opening and closing hours of liquor establishments under this section are fixed according to the system or method generally used by the people of Missouri, its business and commerce, its public agencies, and its political subdivisions, at the time when the method of computation or the meaning of the statute is brought into question. Playboy Club, Inc. v. Myers (Mo.), 431 S.W.2d 221.

Title: title-xx

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.293 - Sunday sales, package liquor licensee allowed, hours, fee — city or county may also charge fee, limitations — exception.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.293. Sunday sales, package liquor licensee allowed, hours, fee — city or county may also charge fee, limitations — exception. —1. Except for any establishment that may apply for a license under section 311.089, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and tobacco control for a special license to sell intoxicating liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays. A licensee under this section shall pay to the director of revenue an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other license fees. 2. In addition to any fee collected pursuant to section 311.220, a city or county may charge and collect an additional fee not to exceed three hundred dollars from any licensee under this section for the privilege of selling intoxicating liquor at retail between the hours of 6:00 a.m. on Sundays and 1:30 a.m. on Mondays in such city or county; however the additional fee shall not exceed the fee charged by that city or county for a special license issued pursuant to any provision of this chapter which allows a licensee to sell intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays. 3. The provisions of this section regarding the time of closing shall not apply to any person who possesses a special permit issued under section 311.174, 311.176, or 311.178. ---------- (L. 1993 H.B. 63, A.L. 1994 S.B. 474, A.L. 2003 S.B. 298, A.L. 2012 H.B. 1498, A.L. 2021 S.B. 126) (2002) Section specifies only the time when liquor can be sold, and not the type of liquor which can be sold. Ozark Wholesale Beverage Company v. Supervisor of Liquor Control, 80 S.W.3d 491 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.294 - Wine and malt beverages, permit to allow tasting on premises — limitations.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.294. Wine and malt beverages, permit to allow tasting on premises — limitations. —1. Notwithstanding any other provisions of this chapter to the contrary, any person possessing the qualifications and meeting the requirements of this chapter, who is licensed to sell intoxicating liquor in the original package at retail under sections 311.200 and 311.293, may apply to the supervisor of liquor control for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises. A licensee under this section shall pay to the director of revenue an additional twenty-five dollars a year payable at the same time and manner as other license fees. 2. Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption. ---------- (L. 1994 S.B. 474 § 311.295, A.L. 1995 S.B. 43)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.297 - Alcohol samples for tasting on and off licensed retail premises, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.297. Alcohol samples for tasting on and off licensed retail premises, when. —1. Any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide and pour distilled spirits, wine, or malt beverage samples off a licensed retail premises for tasting purposes provided no sales transactions take place. For purposes of this section, a"sales transaction"shall mean an actual and immediate exchange of monetary consideration for the immediate delivery of goods at the tasting site. 2. Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide, furnish, or pour distilled spirits, wine, or malt beverage samples for customer tasting purposes on any temporary licensed retail premises as described in section 311.218, 311.482, 311.485, 311.486, or 311.487, or on any tax exempt organization's licensed premises as described in section 311.090. 3. (1) Notwithstanding any other provisions of this chapter to the contrary, any winery, distiller, manufacturer, wholesaler, or brewer or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a licensed retail premises for customer tasting purposes so long as the winery, distiller, manufacturer, wholesaler, or brewer or designated employee has permission from the person holding the retail license. The retail licensed premises where such product tasting is provided shall maintain a special permit in accordance with section 311.294 or hold a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value shall be given to the retailers for the privilege or opportunity of conducting the on-the-premises product tasting. (2) Distilled spirits, wine, or malt beverage samples may be dispensed by an employee of the retailer, winery, distiller, manufacturer, or brewer or by a sampling service retained by the retailer, winery, distiller, manufacturer, or brewer. All sampling service employees that provide and pour intoxicating liquor samples on a licensed retail premises shall be required to complete a server training program approved by the division of alcohol and tobacco control. (3) Any distilled spirits, wine, or malt beverage sample provided by the retailer, winery, distiller, manufacturer, wholesaler, or brewer remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer. ---------- (L. 2007 S.B. 299 & S.B. 616, A.L. 2011 H.B. 101)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.298 - Certain holidays, sale by the drink on Sunday allowed.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.298. Certain holidays, sale by the drink on Sunday allowed. —When January first, March seventeenth, July fourth, or December thirty-first falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly

known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of section 311.290 or any other provision of law to the contrary. ---------- (L. 1967 p. 425 § 1, A.L. 1969 H.B. 665, A.L. 1993 H.B. 63, A.L. 1994 S.B. 474)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.299 - Warning sign displayed, liquor licenses — violations.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.299. Warning sign displayed, liquor licenses — violations. —1. Any person who is licensed pursuant to this chapter to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this section. Such sign shall be at least eleven inches by fourteen inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects.". The licensee shall display such sign in a conspicuous place on the licensed premises. 2. Any employee of the supervisor of liquor control may report a violation of this section to the supervisor, and the supervisor shall issue a warning to the licensee of the violation. 3. Notwithstanding the provisions of section 311.880 to the contrary, no person who violates the provisions of this section shall be guilty of a crime. ---------- (L. 2001 S.B. 130)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.300 - Persons eighteen years of age or older may sell or handle intoxicating liquor, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.300. Persons eighteen years of age or older may sell or handle intoxicating liquor, when. —1. Except as provided in this section, no person under the age of twenty-one years shall sell or assist in the sale or dispensing of intoxicating liquor. 2. In any place of business licensed in accordance with section 311.200, persons at least eighteen years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register and accept payment for, and sack for carryout, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one years. Any licensee who employs any person under the age of twenty-one years, as authorized by this subsection, shall, when at least fifty percent of the licensee's gross sales does not consist of nonalcoholic sales, have an employee twenty-one years of age or older on the licensed premises during all hours of operation. 3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. 4. Any wholesaler licensed pursuant to this chapter may employ persons of at least eighteen years of age to: (1) Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor; and (2) Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one years of age or older. 5. Persons eighteen years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent of all sales in those places consists of food; provided that nothing in this section shall authorize persons under twenty-one years of age to mix or serve across the bar intoxicating beverages. ---------- (RSMo 1939 § 4885, A. 1949 S.B. 1114, A.L. 1969 S.B. 37, A.L. 1971 H.B. 173, A.L. 1976 S.B. 487, H.B. 1367, A.L. 1981 S.B. 128, A.L. 1996 S.B. 933, A.L. 1997 H.B. 63, A.L. 2009 H.B. 132, A.L. 2019 S.B. 197)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.310 - Sale to minor — certain other persons, misdemeanor — exceptions — permitting drinking or possession by a minor, penalty, exception — defenses.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.310. Sale to minor — certain other persons, misdemeanor — exceptions — permitting drinking or possession by a minor, penalty, exception — defenses. —1. Any licensee under this chapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment. 2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of a class B misdemeanor. Any second or subsequent violation of this subsection is a class A misdemeanor. 3. It shall be a defense to prosecution under this section if: (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof; (2) The defendant sold the intoxicating liquor to the minor with

reasonable cause to believe that the minor was twenty-one or more years of age; and (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri nondriver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one years of age and of the legal age for consumption of intoxicating liquor. ---------- (L. 1947 V. I p. 373 § 4885a, A.L. 1990 H.B. 1180, A.L. 2005 H.B. 972 merged with S.B. 37, et al. and S.B. 402, A.L. 2005 1st Ex. Sess. H.B. 2) Effective 9-15-05 CROSS REFERENCE: Action for personal injuries or death when sale is proximate cause and party is convicted under 311.310, 537.053 (1964) Evidence was sufficient for superintendent to find that licensee had sold intoxicating liquor to minor and it was not necessary that licensee's guilt be determined by court or jury or that supervisor overcome any presumption of innocence of licensee in order for superintendent to suspend licensee's license. Crooms v. Ketchum (Mo.), 379 S.W.2d 580. (1976) Held that it is not a defense to regulatory action under this section to assert that minor was acting as an agent for an adult. May Dept. Stores v. Supervisor of Liquor Control (A.), 530 S.W.2d 460. (1980) Civil cause of action can arise in favor of a minor who suffers injury as result of becoming intoxicated on liquor illegally sold to him in a drinking establishment. Sampson v. W. F. Enterprises, Inc. (A.), 611 S.W.2d 333. (1985) This statute does not impose civil liability upon a social host for serving alcohol to an intoxicated guest who subsequently injures a third party. Harriman v. Smith (A.), 697 S.W.2d 219. (1987) Neither the local chapter nor the national parent of a fraternity have any civil duty to refrain from serving alcohol to any person under this section. Andres v. Alpha Kappa Lambda Fraternity, 730 S.W.2d 547 (Mo. banc). (1989) Civil liability cause of action under statute limited to tavern owners who dispense alcoholic beverages by the drink. Passenger injured in accident while riding in automobile operated by allegedly intoxicated underage driver did not have cause of action against another passenger who had given intoxicating beverages to driver nor did he have cause of action against the operator of package liquor store who allegedly sold the alcoholic beverages. (Mo.App. W.D.) Leimkuehler v. Myers, 780 S.W.2d 653. (2012) Amendment to section in 2005 adding to list of possible offenders the owners and occupiers of land did not create a new civil duty and cause of action against landowners as social hosts. Otte v. Edwards, 370 S.W.3d 898 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.315 - Manufacturing a false identification, offense of — penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.315. Manufacturing a false identification, offense of — penalty. —1. A person commits the offense of manufacturing a false identification if he or she possesses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a person under the age of twenty-one for the purpose of purchasing or obtaining alcohol. 2. The offense of manufacturing a false identification is a class A misdemeanor. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.320 - Misrepresentation of age by minor to obtain liquor — use of altered driver's license, passport or I.D. cards, penalties.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.320. Misrepresentation of age by minor to obtain liquor — use of altered driver's license, passport or I.D. cards, penalties. —1. Any person of the age of seventeen years and under the age of twenty-one years who shall represent that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any person under the age of seventeen years who shall represent that he has attained the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases authorized by law, may be considered a delinquent child and may be dealt with in accordance with the provisions of chapter 211. 2. In addition to any other penalties established in subsection 1 of this section and established in sections 302.400 to 302.426*, any person who is less than twenty-one years of age who uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in section 302.181 for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, shall be guilty of a misdemeanor and shall be subject to a fine of five hundred dollars for each separate offense. ---------- (L. 1947 V. I p. 373 § 4885b, A.L. 1989 H.B. 397, A.L. 1992 H.B. 1316, A.L. 1993 H.B. 63) Effective 6-07-93 *Sections 577.500 to 577.530 were transferred to sections 302.400 to 302.426 by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.325 - Purchase or possession by minor, penalty — container need not be opened and contents verified, when — consent to chemical testing deemed given, when — burden of proof on violator to prove not intoxicating liquor — section not applicable to certain students, requirements.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.325. Purchase or possession by minor, penalty — container need not be opened and contents verified, when — consent to chemical testing deemed given, when — burden of proof on violator to prove not intoxicating liquor — section not applicable to certain students, requirements. —1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020 or who is visibly in an intoxicated condition as defined in section 577.001, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor. A first violation of this section shall be punishable as a class D misdemeanor. A second or subsequent violation of this section shall be punishable as a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021. For

purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor. 2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor. 3. Any person under the age of twenty-one years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in section 577.001, shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this subsection shall be limited to not more than two such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the state department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following: (1) The type of test administered and the procedures followed; (2) The time of the collection of the blood or breath sample or urine analyzed; (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine; (4) The type and status of any permit which was held by the person who performed the test; (5) If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.--Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument. --Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument. 4. The provisions of this section shall not apply to a student who: (1) Is eighteen years of age or older; (2) Is enrolled in an accredited college or university and is a student in a culinary course; (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and (4) Tastes a beverage under subdivision (3) of this subsection only for instructional purposes during classes that are part of the curriculum of the accredited college or university. The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum. ---------- (L. 1959 H.B. 248 § 1, A.L. 1994 S.B. 693, A.L. 2003 S.B. 298, A.L. 2005 S.B. 402, A.L. 2006 S.B. 725, A.L. 2009 H.B. 62, A.L. 2011 H.B. 111, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.326 - Expungement of record permitted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.326. Expungement of record permitted, when. —After a period of not less than one year after reaching the age of twenty-one a person who has pleaded guilty to or has been found guilty of violating section 311.325 for the first time, and who since such conviction has not been convicted of any other alcohol-related offense, may apply to the court in which he or she was sentenced for an order to expunge all official records of his or her arrest, plea, trial and conviction. No records shall be expunged if the person who has pleaded*guilty to or has been found guilty of violating section 311.325 is licensed as a commercial motor vehicle driver or was operating a commercial motor vehicle as defined in section 302.700 at the time of the violation. If the court determines, upon review, that such person has not been convicted of any other alcohol-related offense at the time of the application for expungement, and the person has had no other alcohol-related enforcement contacts, as defined in section 302.525, the court shall enter an order of expungement. The effect of such an order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction, as if such event had never happened. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever. A person shall be entitled to only one expungement pursuant to this

section. Nothing contained in this section shall prevent courts or other state officials from maintaining such records as are necessary to ensure that an individual receives only one expungement pursuant to this section. ---------- (L. 2005 S.B. 402, A.L. 2009 H.B. 62 merged with H.B. 683, A.L. 2009 H.B. 62 merged with H.B. 683) *Word "plead" appears in original rolls.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.328 - Identification, acceptable forms.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.328. Identification, acceptable forms. —1. A valid and unexpired operator's or chauffeur's license issued under the provisions of section 302.177, or a valid and unexpired operator's or chauffeur's license issued under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card or nondriver's license as provided for under section 302.181, or a valid and unexpired nondriver's license issued under the laws of any state or territory of the United States to residents of those states or territories, or a valid and unexpired identification card issued by any uniformed service of the United States, or a valid and unexpired passport shall be presented by the holder thereof upon request of any agent of the division of alcohol and tobacco control or any licensee or the servant, agent or employee thereof for the purpose of aiding the licensee or the servant, agent or employee to determine whether or not the person is at least twenty-one years of age when such person desires to purchase or consume alcoholic beverages procured from a licensee. Upon such presentation the licensee or the servant, agent or employee thereof shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport. 2. Upon proof by the licensee of full compliance with the provisions of this section, no penalty shall be imposed if the supervisor of the division of alcohol and tobacco control or the courts are satisfied that the licensee acted in good faith. 3. Any person who shall, without authorization from the department of revenue, reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars, and confinement for not more than one year, or by both such fine and imprisonment. ---------- (L. 1965 p. 503 §§ 1 to 5, A.L. 1971 H.B. 365, A.L. 1972 S.B. 462, A.L. 1982 H.B. 986, A.L. 1987 S.B. 230, A.L. 1992 H.B. 1316, A.L. 1993 H.B. 63, A.L. 2003 S.B. 298, A.L. 2016 S.B. 919)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.329 - Reproduction or alteration of identification card, penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.329. Reproduction or alteration of identification card, penalty. —Any person who has in his possession a reproduced, modified or altered motor vehicle driver's license, nondriver's license issued by any uniformed service of the United States, or identification card established in section 302.181, or any other such identification card which indicates that the person represented on the card is over twenty-one years of age, is guilty of a class A misdemeanor. ---------- (L. 1993 S.B. 180 § 10)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.330 - Unauthorized liquors prohibited on premises licensed for sale by drink, exceptions.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.330. Unauthorized liquors prohibited on premises licensed for sale by drink, exceptions. —It shall be unlawful for the holder of any license authorized by this chapter, for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor, other than the kind of liquor expressly authorized to be sold by such license, or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises. ---------- (RSMo 1939 § 4899, A.L. 1980 H.B. 1234, A.L. 1996 S.B. 933)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.332 - Wholesale price regulation, discrimination prohibited — delivery to certain organizations for nonresale purposes, allowed when — donation permitted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.332. Wholesale price regulation, discrimination prohibited — delivery to certain organizations for nonresale purposes, allowed when — donation permitted, when. —1. It shall be unlawful for any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and wine at retail, to discriminate between retailers or in favor of or against any retailer or group of retailers, directly or indirectly, in price, in discounts for time of payment, or in discounts on quantity of merchandise sold, or to grant directly or indirectly any discount, rebate, free goods, allowance or other inducement, excepting a discount not in excess of one percent for quantity of liquor and wine, and a discount not in excess of one percent for payment on or before a certain date. The delivery of manufacturer rebate coupons by wholesalers to retailers shall not be a violation of this subsection. 2. Manufacturers or wholesalers shall be permitted to donate or deliver or cause to be delivered beer, wine, or brandy for nonresale purposes to any unlicensed person or any licensed retail dealer who is a charitable or religious organization as defined in section 313.005 or educational institution, at any location or licensed premises, provided, such beer, wine, or brandy is unrelated to the organization's or institution's licensed retail operation. A charge for admission to an event or activity at which beer, wine, or brandy is available without separate charge shall not constitute resale for the purposes of this subsection. Wine used in religious ceremonies may be

sold by wholesalers to a religious organization as defined in section 313.005. Any manufacturer or wholesaler providing nonresale items shall keep a record of any deliveries made pursuant to this subsection. 3. Manufacturers, wholesalers, retailers and unlicensed persons may donate wine in the original package to a charitable or religious organization as defined in section 313.005 or educational institution for the sole purpose of being auctioned by the organization or institution for fund-raising purposes, provided the auction takes place on a retail-licensed premises and all proceeds from the sale go into a fund of an organization or institution that is unrelated to any licensed retail operation. ---------- (L. 1955 p. 40 § 311.331, A.L. 1985 H.B. 166, A.L. 1986 S.B. 444, A.L. 1987 H.B. 62 & 70, A.L. 1995 S.B. 43, A.L. 1997 H.B. 63, A.L. 2005 S.B. 262, A.L. 2009 H.B. 132) (1966) This section does not make it unlawful for a wholesaler to refuse to sell its products to any particular retailer; it makes it unlawful only for a wholesaler to discriminate between retailers, (1) in price; (2) in discounts for time payments, and (3) in discounts for quantity of merchandise sold. It also makes it unlawful for a wholesaler to grant any rebate, free goods, allowances or other inducements, except as specifically authorized. Giloti v. Hamm-Singer Corp. (Mo.), 396 S.W.2d 711.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.333 - Wholesalers, returns of alcoholic beverages to, supervisor to regulate — wholesaler pricing to be made available to retailers, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.333. Wholesalers, returns of alcoholic beverages to, supervisor to regulate — wholesaler pricing to be made available to retailers, when. —1. Any wholesaler licensed under this chapter to sell intoxicating liquors and wines may accept the return of any intoxicating liquor containing alcohol in excess of five percent by weight and wines as provided by rules and regulations promulgated by the supervisor of liquor control, pursuant to chapter 536. 2. Any wholesaler licensed to sell intoxicating liquor or wine containing alcohol in excess of five percent by weight to persons duly licensed to sell such intoxicating liquor and wine at retail shall make available to all such retailers, not later than five days prior to the first day of the month in which the pricing is to be effective, information regarding all products which shall be available for sale in the next month. Such information shall include the brand or trade name, capacity of individual packages, nature of contents, age and proof, the per-bottle and per-case price which shall be offered equally to all retailers, the number of bottles contained in each case, and the size thereof. The price provided to retailers under this section shall become effective on the first day of the next month and remain in effect until the last day of that month. Supplemental pricing information may be provided to retailers by wholesalers for items that were unintentionally left off a regular monthly item information listing or for new items after approval for sale in Missouri by the Missouri division of alcohol and tobacco control. A wholesaler shall be allowed to sell such items to retailers immediately upon production of such supplemental information. ---------- (L. 1987 S.B. 150 § 1, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.335 - Liquor sales by wholesalers, delivery price — delayed shipment — sale of close-out merchandise permitted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.335. Liquor sales by wholesalers, delivery price — delayed shipment — sale of close-out merchandise permitted, when. —1. Any wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight shall deliver such intoxicating liquor and wine to a retailer at the price in effect for that calendar month in which the delivery occurs. 2. Such wholesaler licensed to sell intoxicating liquor and wine containing alcohol in excess of five percent by weight shall not take an order for delivery in a month subsequent to the month in which the order is taken, provided that during the last five business days of each month, orders may be taken for delivery in the following month at the price in effect for that following month and provided, further, that for any order received within the last five business days of a month, the wholesaler may, with the consent of the retailer placing such order, deliver such order to the retailer within the first five business days of the month following the month in which the order was received by such wholesaler at the price in effect for the month in which the order was placed. Such order received within the last five business days of a month and delivered within the first five business days of the subsequent month shall be known as a"delayed shipment". A delayed shipment shall be deemed delivered on the last business day of the month in which the order was received for purposes of implementing and enforcing rules and regulations of the supervisor of alcohol and tobacco control relating to invoicing, discounts and ordinary commercial credit terms. 3. Any wholesaler licensed to sell intoxicating liquors and wines containing alcohol in excess of five percent by weight shall be allowed to offer for sale intoxicating liquors or wines containing alcohol in excess of five percent by weight to persons duly licensed to sell intoxicating liquors and wines at retail at prices which are below the wholesaler's cost only if such intoxicating liquors and wines are designated to be close-out merchandise. Wholesalers shall designate intoxicating liquors and wines containing alcohol in excess of five percent by weight to be close-out merchandise by identifying them such as close-out items when providing monthly pricing information to retailers as required in section 311.333. A wholesaler shall not purchase any intoxicating liquor or wine containing alcohol in excess of five percent by weight while such intoxicating liquor or wine is designated as close-out merchandise. Intoxicating liquors or wines containing alcohol in excess of five percent by weight that are designated as close-out merchandise shall be designated as close-out merchandise for not less than six consecutive months. After such time, a wholesaler may remove items from close-out designation by no longer identifying them as close-out items when providing monthly pricing information to retailers as required in section 311.333. ---------- (L. 1998 H.B. 1705 § 1, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.338 - Violation of wholesale price regulations, misdemeanor — suspension of license.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.338. Violation of wholesale price regulations, misdemeanor — suspension of license. —Alleged violations of sections 311.332, 311.333, and 311.335 shall be reported to the supervisor of alcohol and tobacco control. Any person violating any provisions of sections 311.332, 311.333, and 311.335 shall be deemed guilty of a misdemeanor, and it shall be the duty of the supervisor of alcohol and tobacco control to suspend or revoke the license of any wholesaler violating any of the provisions of sections 311.332, 311.333, and 311.335. ---------- (L. 1955 p. 40 § 311.334, A.L. 1985 H.B. 166, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.340 - Mixing liquor with drugs prohibited.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.340. Mixing liquor with drugs prohibited. —No holder of a license under this chapter, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him as a beverage, any drug or form of methyl alcohol or impure form of alcohol. ---------- (RSMo 1939 § 4882)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.355 - Manufacturer rebate coupons by wholesalers, regulation of.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.355. Manufacturer rebate coupons by wholesalers, regulation of. —1. Manufacturers of intoxicating liquor other than beer or wine shall be permitted to offer consumer cash rebate coupons as provided in this subsection: (1) Consumer cash rebate coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media; (2) Coupon advertisements may list the amount of the cash rebate, but not the retail price of the intoxicating liquor after the rebate; (3) Applications for cash rebates must be made directly from the consumer to the manufacturer, and not through retailers or wholesalers; (4) Cash rebates must be made directly to consumers by manufacturers; (5) Wholesalers and manufacturers may deliver cash rebate coupons to retailers, either for distribution at the point of sale or in connection with packaging. 2. Manufacturers of intoxicating liquor including beer and wine may offer coupons redeemable for nonalcoholic merchandise, except that such redeemable coupons must be made available without a purchase requirement to consumers at the point of sale, or by request through the mail, or at the retailer's cash register. Redeemable coupons may be published or advertised by manufacturers in newspapers, magazines and other mass media. Advertisements must state that no purchase is required to obtain the nonalcoholic merchandise and provide information on the procedure to obtain such merchandise. The retail value of the nonalcoholic merchandise shall not be stated in the advertisement or on the product. Wholesalers and manufacturers may deliver these redeemable coupons at the point of sale or in connection with packaging. ---------- (L. 1986 S.B. 444 § 1, A.L. 1995 S.B. 43)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.360 - Misrepresentation of brand of liquor unlawful, penalty — exceptions.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.360. Misrepresentation of brand of liquor unlawful, penalty — exceptions. —1. No person holding a license or permit shall sell malt liquor, or any other intoxicating liquor in this state, or shall offer for sale any such malt liquor, or other intoxicating liquor whatsoever, brewed, manufactured or distilled by one manufacturer, in substitution for, or with the representation that any such malt liquor or other intoxicating liquor, is the product of any other brewer, manufacturer or distiller. Whosoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor. 2. Notwithstanding the provisions of subsection 1 of this section, no person holding a license or permit shall be deemed guilty of a misdemeanor for offering for sale, or for the sale of, wine or brandy so long as the manufacturer of the brandy or the wine manufacturer has provided the supervisor of alcohol and tobacco control with a copy of the certificate of label approval issued by the Alcohol and Tobacco Tax and Trade Bureau and, if necessary, has properly registered such label or name with the appropriate state agency. ---------- (RSMo 1939 § 4911, A.L. 1996 S.B. 933, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132) (1998) Statute violates the commerce clause by discriminating against out-of-state producers and is unconstitutional. Pete's Brewing Co. v. Whitehead, 19 F.Supp.2d 1004 (W.D.Mo.).

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.370 - Liquor in storage — report to supervisor, when — contents of report.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.370. Liquor in storage — report to supervisor, when — contents of report. —Every person, firm, partnership or corporation who shall keep or store any intoxicating liquor in any warehouse, or other storage place in this state, shall at the time such liquor is received and stored, notify the supervisor of liquor control and furnish to him a list of the kind and quantity of such intoxicating liquor, and the name and address of the owner thereof, and upon the withdrawal of said intoxicating liquor, or any part thereof, shall notify said supervisor and furnish to him the name and address of the person to whom such intoxicating liquor shall be delivered, the kind, quantity and amount thereof. A violation of any of the provisions of this section shall constitute a misdemeanor. ---------- (RSMo 1939 § 4947)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.373 - Beer required to be in possession of licensed wholesaler prior to sale at retail.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.373. Beer required to be in possession of licensed wholesaler prior to sale at retail. —All malt beverages purchased for resale in this state prior to being resold at retail shall physically come into the possession of a licensed wholesaler and be unloaded in and distributed from the licensed wholesaler's warehouse in this state. ---------- (L. 1993 S.B. 76) Effective 5-05-93

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.380 - Warehouse receipts — unlawful to sell or give away — penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.380. Warehouse receipts — unlawful to sell or give away — penalty. —It shall be unlawful to sell, offer for sale, or give away any warehouse receipt, or receipts, of intoxicating liquor without first securing permission, written or printed, of the supervisor of liquor control so to do. Any person violating any provision of this section shall be deemed guilty of a misdemeanor. ---------- (RSMo 1939 § 4912)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.390 - Duty of carriers to furnish certain information — penalty for failure — proceedings.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.390. Duty of carriers to furnish certain information — penalty for failure — proceedings. —1. Every railroad, express or transportation company, or other common carrier or contract hauler, shall, when requested, furnish to the supervisor of liquor control a duplicate bill of lading or receipt, showing the name of the consignor and consignee, date, place received, destination and quantity of intoxicating liquors, received by them for shipment to any point within this state. Upon failure to comply with the provisions herein, said railroad, express or transportation company, or other common carrier or contract hauler, shall forfeit and pay to the state of Missouri the sum of fifty dollars for each and every failure, to be recovered in any court of competent jurisdiction. 2. The supervisor of liquor control and the director of revenue are each hereby authorized and empowered to call upon the prosecuting attorneys of the respective counties or the circuit attorneys or the attorney general to bring any proceeding hereunder on the relation of the supervisor of liquor control or the director of revenue, as the case may be, to the use of the state of Missouri. The penalties collected shall be disposed of as provided by Section 7, Article IX, of the Constitution of Missouri, and section 171.010. ---------- (RSMo 1939 § 4931, A.L. 1945 p. 1043)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.400 - Unclaimed shipments of liquor may be sold.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.400. Unclaimed shipments of liquor may be sold. —Any railroad or express company doing business in this state shall have the right to sell unclaimed or refused shipments of intoxicating liquor in the same manner that such railroad or express company is or may be hereafter authorized to sell other unclaimed or refused property under the laws of this state, and no license or permit shall be required of such railroad or express company for such sale of such unclaimed or refused intoxicating liquor. ---------- (RSMo 1939 § 4919)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.401 - Repossessed liquor, sale by lending institution, when — no license required.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.401. Repossessed liquor, sale by lending institution, when — no license required. —Any lending institution doing business with any distiller, wholesaler, winemaker, brewer, or retailer in Missouri duly licensed under this chapter shall have the right to sell intoxicating liquor which such lending institution has repossessed to a retailer duly licensed under this chapter, with the approval of the supervisor of alcohol and tobacco control, provided such liquor was originally taken as collateral for a business loan. No license or permit shall be required for such sale, and such sale shall be limited to cases, kegs, or barrels of such liquor, and any leftover unopened containers. Such transaction shall be subject to the provisions of chapter 400. As used in this section, the term"lending institution"means any bank or trust company incorporated under the laws of this state or of the United States. ---------- (L. 1983 S.B. 6, A.L. 2003 S.B. 298)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.410 - Transportation of intoxicating liquor into or through state, when permitted.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.410. Transportation of intoxicating liquor into or through state, when permitted. —No person shall transport intoxicating liquor in, into or through the state of Missouri which has not been lawfully manufactured. No person shall transport intoxicating liquor in any quantity exceeding five gallons in or into the state of Missouri for delivery or use therein, unless the required inspection, labeling or gauging fee or license has been paid thereon and unless the bottle or other container in which the liquor is immediately contained has upon it stamps of the director of revenue of the state of Missouri evidencing payment of such fee; provided, however, that persons licensed by the supervisor of liquor control as manufacturers, blenders, or distillers of intoxicating liquor may import intoxicating liquor into and transport it into and within this state in bulk without having paid the fees above referred to and without first affixing the stamps to the containers of such liquor when it is to be used only in manufacturing, blending, or distilling intoxicating liquor, and subject to such regulations as the supervisor of liquor control may prescribe to safeguard the fees due the state of Missouri; and provided further, that persons licensed as manufacturers, blenders, distillers, and wholesalers whose licensed premises are within the state of Missouri may import into United States

government bonded warehouses located in this state intoxicating liquors which have been bottled in United States government bond without first paying said fees and without first affixing the stamps to the containers of such liquor, subject to such regulations as the supervisor of liquor control may prescribe to safeguard the fees due this state when such liquor is withdrawn from said warehouse for sale or storage in this state outside of a United States internal revenue bonded warehouse; and provided further, that wholesalers licensed by the supervisor of liquor control whose licensed premises are within the state of Missouri may import into and transport into United States customs bonded warehouses in this state intoxicating liquors from foreign countries and from other United States customs bonded warehouses, located in any state of the United States, without first paying the fees above referred to and without first affixing the stamps to the containers of said liquor subject to such regulations as have been or may be prescribed by the supervisor of liquor control to safeguard the fees due the state of Missouri when such liquor is withdrawn from such United States customs bonded warehouse for sale or storage in this state outside of a United States customs bonded warehouse. ---------- (RSMo 1939 § 4932, A.L. 1949 p. 320)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.420 - Transporter's license — fee — bond — qualifications — certain carriers exempt.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.420. Transporter's license — fee — bond — qualifications — certain carriers exempt. —1. No person, except carriers regulated by the motor carrier and railroad safety division of the department of economic development under chapters 387, 389 and 390, shall transport into, within, or through the state of Missouri any intoxicating liquors in quantities larger than five gallons unless such person holds a valid license or permit from the supervisor of alcohol and tobacco control of the state of Missouri to do so. For such license, there shall be paid to the director of revenue the sum of ten dollars per annum. Application for such license shall be made to the supervisor of alcohol and tobacco control of the state of Missouri and each applicant shall submit with his application a bond in the penal sum of one thousand dollars with sufficient surety to be approved by the supervisor of alcohol and tobacco control, conditioned that he will not violate any provisions of the liquor control laws of this state or any regulation promulgated under such liquor control laws, and any violation of such condition shall work a forfeiture of such bond to the state of Missouri. The license year shall end on June thirtieth, and the applicant shall pay as many twelfths as there are months, with each part of a month being counted as a month, remaining from the date of the license to the next succeeding July first. The supervisor of alcohol and tobacco control may issue single transaction licenses, for which there shall be paid to the director of revenue the sum of five dollars, and, if the value of the liquor to be transported exceeds one hundred dollars, the permit shall not be issued until the bond provided for above in this section is given to the state. No such transporter's license shall be required of any person licensed by the supervisor of alcohol and tobacco control whose licensed premises are located in the state of Missouri, nor shall it be necessary to procure a license to transport liquor purchased from a retail liquor dealer duly licensed by the supervisor of alcohol and tobacco control of the state of Missouri. No license or permit shall be required to transport industrial alcohol. 2. The qualifications prescribed for the issuance of other licenses by the provisions of the liquor control law shall not apply to licenses issued under this section, but no license shall be issued to any person who is not of good moral character or who has been convicted since the ratification of the twenty-first amendment to the Constitution of the United States of the violation of any law applicable to the manufacture or sale of intoxicating liquor, nor to any person who has had a license from the supervisor of alcohol and tobacco control revoked. If applicant is a corporation, the managing officer thereof must possess the qualifications prescribed in this section. 3. Carriers licensed under this section or carriers exempt from holding a permit under this section shall not deliver wine to a resident of this state without obtaining an alcohol carrier license under section 311.185. ---------- (L. 1949 p. 320 § 4932, A.L. 1985 H.B. 157, A.L. 2007 S.B. 299 & S.B. 616) CROSS REFERENCE: Division of motor carrier and railroad safety abolished, duties and functions transferred to highways and transportation commission and department of transportation, 226.008 (1951) Provisions of § 311.820 constitute a condition to the granting of a license hereunder and application and acceptance of a license under this section requires consent to the inspection of cargo by enforcement officers. Constitutional rights against search therefor are waived by licensee. State v. Ward, 361 Mo. 1236, 239 S.W.2d 313.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.430 - Revocation of transporter's license.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.430. Revocation of transporter's license. —The supervisor of liquor control may revoke any transportation permit or license granted by him for failure of the licensee or permittee to comply with the conditions or requirements set forth in sections 311.410 to 313.450 and for violation of any section of the liquor control law of the state of Missouri. ---------- (L. 1949 p. 320 § 4932)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.440 - Transporter's license to be exhibited to officers, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.440. Transporter's license to be exhibited to officers, when. —Every person transporting liquor within, into, or through the state of Missouri shall, upon demand, supply the supervisor of liquor control and any of his agents or any peace officer of the state of Missouri with evidence that a liquor transporter's license has been issued to him by the supervisor of liquor control of the state of Missouri. ---------- (L. 1949 p. 320 § 4932)

Title: title-xx

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.450 - Bill of lading to accompany transported alcoholic liquors — contents — inspection.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.450. Bill of lading to accompany transported alcoholic liquors — contents — inspection. —Any alcoholic liquors in excess of one hundred gallons being transported into, within, or through the state of Missouri shall be accompanied at all times during transportation by a bill of lading or other memorandum of shipment, showing an exact description of the alcoholic liquors being transported, the name and address of the consignor, the name and address of the consignee, the route to be traveled by such vehicle while in Missouri, and the vehicle transporting such liquors shall not vary from such route. Such bill of lading or memorandum shall be shown to the supervisor of liquor control or any peace officer of this state upon demand. The name of the consignor on any such bill of lading or other memorandum of shipment shall be the name of the true consignor of the alcoholic beverages being transported and such consignor shall only be a person who has the legal right to make such shipment. The name of the consignee on such bill of lading or memorandum of shipment shall be the true consignee of the alcoholic beverages being transported and who has previously authorized in writing the shipment of the alcoholic beverages being transported and who has a legal right to receive such beverages at the point of destination shown on the bill of lading or other memorandum of shipment. ---------- (L. 1949 p. 320 § 4932, A.L. 1987 S.B. 150)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.460 - Violation of sections 311.410 to 311.450, penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.460. Violation of sections 311.410 to 311.450, penalty. —Any person knowingly and willfully violating any provisions of sections 311.410 to 311.450 shall be deemed guilty of a felony and shall be punished upon conviction by imprisonment in the penitentiary not exceeding two years or by imprisonment in the county jail not exceeding one year or by a fine not exceeding one thousand dollars. ---------- (L. 1949 p. 320 § 4932)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.480 - Eating places, drinking of intoxicating liquor on premises, license required, when, hours — regulations — penalties — exceptions.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.480. Eating places, drinking of intoxicating liquor on premises, license required, when, hours — regulations — penalties — exceptions. —1. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor, to permit the drinking or consumption of intoxicating liquor in the premises, without having a license as in this section provided. 2. Application for such license shall be made to the supervisor of alcohol and tobacco control on forms to be prescribed by him or her, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year. 3. The drinking or consumption of intoxicating liquor shall not be permitted in or upon the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any day of the week. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor by the drink. In any incorporated city having a population of more than twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of incorporated cities may, in addition to the license fee required in this section, require a license fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and provide for the collection thereof; make and enforce ordinances regulating the hours of consumption of intoxicating liquors on premises licensed hereunder, not inconsistent with the other provisions of this law, and provide penalties for the violation thereof. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village. 4. Any premises operated in violation of the provisions of this section, or where intoxicating liquor is consumed in violation of this section, is hereby declared to be a public and common nuisance, and it shall be the duty of the supervisor of alcohol and tobacco control and of the prosecuting or circuit attorney of the City of St. Louis, and the prosecuting attorney of the county in which the premises are located, to enjoin such nuisance. 5. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a class A misdemeanor. 6. The supervisor of alcohol and tobacco control is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter, for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder. 7. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any

of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor at retail. 8. No intoxicating liquor may be served or sold on any premises used as a polling place on election day. ---------- (L. 1945 p. 1032 § 4895a, A.L. 1978 H.B. 1634, A.L. 1979 S.B. 192, A.L. 1981 S.B. 126, A.L. 1987 S.B. 150, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.482 - Temporary permit for sale by drink may be issued to certain organizations, when, duration — collection of sales taxes, notice to director of revenue.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.482. Temporary permit for sale by drink may be issued to certain organizations, when, duration — collection of sales taxes, notice to director of revenue. —1. Notwithstanding any other provision of this chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization. 2. To secure the permit, the applicant shall complete a form provided by the supervisor, but no applicant shall be required to furnish a personal photograph as part of the application. The applicant shall pay a fee of twenty-five dollars for such permit. 3. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 6:00 a.m. 4. At the same time that an applicant applies for a permit under the provisions of this section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstances shall a bond be required from the applicant. 5. No provision of law or rule or regulation of the supervisor shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering. ---------- (L. 1987 S.B. 150 § 3, A.L. 1995 S.B. 43, A.L. 2009 H.B. 132, A.L. 2011 H.B. 101, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.483 - Festivals, temporary permit to sell liquor by the drink, procedure.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.483. Festivals, temporary permit to sell liquor by the drink, procedure. —1. The supervisor of liquor control may issue a temporary permit to persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a festival as defined in chapter 316. An application for a permit under this section shall be made at least five business days prior to the festival. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic beverages at such festival during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued. 2. All provisions of the liquor control law and the ordinances, rules, and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion, or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package. 3. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor delivered and invoiced under the permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the permit issued pursuant to this section. 4. No provision of law or rule or regulation of the supervisor shall be interpreted as preventing any wholesaler, retailers, or distributor from providing customary storage, cooling, or dispensing equipment for use at a festival. ---------- (L. 2013 S.B. 121)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.485 - Temporary location for liquor by the drink, caterers — permit and fee required — other laws applicable.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.485. Temporary location for liquor by the drink, caterers — permit and fee required — other laws applicable. —1. The supervisor of liquor control may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued. 2. Except as provided in subsection 3 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the

incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. This temporary permit shall allow the sale of intoxicating liquor in the original package. 3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city. 4. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering permit issued pursuant to this section. ---------- (L. 1978 H.B. 978, A.L. 1987 S.B. 150, A.L. 1994 S.B. 474, A.L. 1995 S.B. 43, A.L. 1999 S.B. 81, A.L. 2000 H.B. 1631, A.L. 2005 S.B. 262, A.L. 2009 H.B. 132, A.L. 2011 H.B. 101, A.L. 2012 H.B. 1498)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.486 - Special license, drink at retail for consumption on the premises, when — duration of license — fees.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.486. Special license, drink at retail for consumption on the premises, when — duration of license — fees. —1. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for a maximum of fifty days during any year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of five hundred dollars a year payable at the same time and in the same manner as its other license fees. 2. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for an unlimited number of functions during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of one thousand dollars a year payable at the same time and in the same manner as its other license fees. 3. Caterers issued a special license pursuant to subsections 1 and 2 of this section shall report to the supervisor of alcohol and tobacco control the location of each function three business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates the function will be held. 4. Except as provided in subsection 5 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion, or event is held shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. Any special license issued under this section shall allow the sale of intoxicating liquor in the original package. 5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city. 6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering function. ---------- (L. 2004 S.B. 1062, A.L. 2009 H.B. 132, A.L. 2011 H.B. 101, A.L. 2012 H.B. 1498)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.487 - Annual license for beer and wine sales at state fair, issued when, fee — subject to laws of municipality.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.487. Annual license for beer and wine sales at state fair, issued when, fee — subject to laws of municipality. —1. The supervisor of liquor control may issue to any person holding a concessionaire's contract, issued by the Missouri state fair, an annual license effective for the fourteen-day period when the fair is held and for any additional periods of time approved by the director of the fair which shall authorize the sale of malt liquor and Missouri-produced wines, for consumption on the premises where sold, on the Missouri state fairgrounds and, in the case of Missouri-produced wines, in the original package, on each day of the week within any period which has been approved by the director of the fair and during the hours at which such malt liquor or wine may lawfully be sold or served upon premises licensed to sell malt liquor or wine for on-premises consumption in the incorporated city in which the Missouri state fair is located. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of one hundred dollars for such license, except that for licenses issued to the concessionaire of the premises on the fairgrounds known as the grandstand and to the concessionaire of the premises on the fairgrounds known as the exhibition center, there shall be paid to the director of revenue the sum of three

hundred dollars for such licenses. 2. All provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city in which is located the Missouri state fair shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are on such premises. ---------- (L. 1993 S.B. 76, A.L. 1994 S.B. 474, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.490 - Ingredients of beer — intoxicating malt liquor.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.490. Ingredients of beer — intoxicating malt liquor. —No person, partnership or corporation engaged in the brewing, manufacture or sale of beer as defined, in this chapter, or other intoxicating malt liquor, shall use in the manufacture or brewing thereof, or shall sell any such beer or other intoxicating malt liquor which contains ingredients not in compliance with the following standards: (1) Beer shall be brewed from malt or a malt substitute, which only includes rice, grain of any kind, bean, glucose, sugar, and molasses. Honey, fruit, fruit juices, fruit concentrate, herbs, spices, and other food materials may be used as adjuncts in fermenting beer; (2) Flavor and other nonbeverage ingredients containing alcohol may be used in producing beer, but may contribute to no more than forty-nine percent of the overall alcohol content of the finished beer. In the case of beer with an alcohol content of more than six percent by volume, no more than one and one-half percent of the volume of the beer may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol; and (3) Beer, intoxicating malt liquor, and malt beverages, as defined in this section, shall not be subject to the requirements of subsection 1 of section 311.332 and sections 311.335 and 311.338. ---------- (RSMo 1939 § 4921, A.L. 2006 S.B. 725, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.500 - Inspection of breweries — by whom.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.500. Inspection of breweries — by whom. —Every person, partnership, or corporation who shall erect or keep a brewery for the manufacture or brewing of beer, or other malt products within this state, for the purpose of offering the same for sale, shall cause the same to be inspected by the said supervisor of liquor control or his agents. ---------- (RSMo 1939 § 4920)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.510 - Inspection of malt liquors — duty of supervisor — product samples not required for approval.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.510. Inspection of malt liquors — duty of supervisor — product samples not required for approval. —1. It shall be the duty of the supervisor of liquor control, or his or her designee, to cause to be inspected all beer, as defined in this chapter, or other intoxicating malt liquors, brewed, manufactured or sold in this state, and he or she shall determine whether such beer or other intoxicating malt liquor has been made from pure hops or the pure extract of hops, or of pure barley malt or other wholesome grains or cereals, or wholesome yeast, and pure water, and whether the package containing such beer or intoxicating malt liquor has been correctly labeled to show that the same has been made from wholesome ingredients. 2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control, or his or her designee, shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such beer or other intoxicating malt liquor product in the state of Missouri if the supervisor of liquor control is provided with a copy of a certificate of label approval issued by the Alcohol and Tobacco Tax and Trade Bureau*. 3. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control shall not require product samples prior to granting approval for the sale of any beer or other intoxicating malt liquors brewed, manufactured, and sold exclusively in this state if the supervisor of liquor control is provided a label. The supervisor of liquor control shall have sole authority to approve all labels for keg collars, bottles, and cans of such beer or other intoxicating malt liquor and any inspections to determine labeling compliance for such products shall be under the sole authority of the supervisor of liquor control, with no approval or inspection by the Alcohol and Tobacco Tax and Trade Bureau required. ---------- (RSMo 1939 § 4922, A.L. 1945 p. 1043, A.L. 2000 H.B. 1631, A.L. 2017 H.B. 115) *Words "Alcohol and Tobacco Trade Bureau" appear in original rolls.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.520 - Fee for inspecting and gauging malt liquors.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.520. Fee for inspecting and gauging malt liquors. —As a charge for the inspection and gauging of all malt liquors, the director of revenue shall collect the sum of one dollar and eighty-six cents per barrel. ---------- (RSMo 1939 § 4925, A.L. 1945 p. 1043, A.L. 1961 p. 43, A.L. 1969 4th Ex. Sess. S.B. 2, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.530 - Inspection of beer — exported out of state.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.530. Inspection of beer — exported out of state. —All beer as defined in this chapter, or other intoxicating malt liquors manufactured in the state and exported outside of the state for sale, shall be inspected as other liquors designated in this chapter, but said inspection shall be free of cost to the manufacturer. ---------- (RSMo 1939 § 4927)

Title: title-xx

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.540 - Liquor inspection, labeling and gauging — requirements.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.540. Liquor inspection, labeling and gauging — requirements. —1. Every person, persons or corporation who shall manufacture or distill spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors, within this state, and wholesale or retail dealers or any other person who shall import such intoxicating liquors into this state, for the purpose of sale or offering the same for sale in this state, shall, before offering the same for sale, cause the same to be inspected and gauged by the supervisor of liquor control, or his or her designee. It shall be the duty of the supervisor of liquor control, or his or her designee, to inspect and gauge such character of intoxicating liquor referred to in this section and to ascertain whether the same is correctly labeled. 2. Notwithstanding the provisions of subsection 1 of this section, the supervisor of liquor control, or his or her designee, shall not require product samples and shall not require the testing of product samples to determine alcohol content prior to granting approval for the sale of any such spirituous liquors product in the state if the supervisor of liquor control, or his or her designee, is provided with a copy of a certificate of label approval issued by the Federal Bureau of Alcohol, Tobacco and Firearms which verifies the alcohol content of the product. ---------- (RSMo 1939 § 4902, A.L. 1945 p. 1043, A.L. 2000 H.B. 1631, A.L. 2017 H.B. 115)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.550 - Additional revenue charges — fines and penalties.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.550. Additional revenue charges — fines and penalties. —1. In addition to all other licenses and charges, there shall be paid to and collected by the director of revenue charges as follows: (1) For the privilege of selling in the state of Missouri spirituous liquors, including brandy, rum, whiskey, and gin, and other spirituous liquors and alcohol for beverage purposes, there shall be paid, and the director of revenue shall be entitled to receive, the sum of two dollars per gallon or fraction thereof; (2) For the privilege of selling wines, the sum of thirty cents per gallon to the credit of the agriculture protection fund created under section 261.200 to be used solely for agricultural business development and marketing-related functions of the department of agriculture. 2. The person who shall first sell such liquor to any person in this state shall be liable for the payment, except that no refund of any tax collected and remitted to the director of revenue by a retail seller upon gross receipts from a sale of beer, liquor or wine subject to the charges contained in sections 311.520, 311.550 and 311.554 shall be claimed for refund under chapter 144 for any amount illegally or erroneously overcharged or overcollected as a result of imposition of sales tax by the retail seller upon amounts representing the charges imposed under this chapter. 3. Any person who sells to any person within this state any intoxicating liquors mentioned in subdivision (1) of subsection 1, unless the charge hereby imposed is paid, is guilty of a felony and shall be punished by imprisonment by the state department of corrections for a term of not less than two years nor more than five years, or by imprisonment in the county jail for a term of not less than one month nor more than one year, or by a fine of not less than fifty dollars nor more than one thousand dollars, or by both such fine and imprisonment. 4. It shall be unlawful for any person to remove the contents of any container containing any of the intoxicating liquors mentioned in subdivision (1) of subsection 1 without destroying such container, or to refill any such container, in whole or in part, with any of the liquors mentioned in subdivision (1) of subsection 1. Any person violating the provisions of this subsection shall be guilty of a misdemeanor. 5. Every manufacturer, out-state solicitor and wholesale dealer licensed under this chapter shall make a true duplicate invoice of the same, showing the date, amount and value of each class of such liquors shipped or delivered, and retain a duplicate thereof, subject to the use and inspection of the supervisor of liquor control and his representatives for two years. 6. Any person who shall sell in this state any intoxicating liquor without first having procured a license from the supervisor of liquor control authorizing him to sell such intoxicating liquor is guilty of a felony and upon conviction shall be punished by imprisonment by the state department of corrections for a term of not less than two years nor more than five years, or by imprisonment in the county jail for a term of not less than three months nor more than one year, or by a fine of not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment. ---------- (RSMo 1939 § 4900, A.L. 1945 p. 1043, A.L. 1961 p. 43, A.L. 1969 4th Ex. Sess. S.B. 2, A.L. 1994 S.B. 477, et al., A.L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.553 - Monthly returns and payment of additional charges required — failure to pay, penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.553. Monthly returns and payment of additional charges required — failure to pay, penalty. —1. Payment of the charges provided by section 311.550 shall be made by the manufacturer, including one who blends or bottles intoxicating liquors, as to all intoxicating liquor produced or imported by the manufacturer for sale or use for beverage purposes within this state, by the out-state solicitor who imports into this state intoxicating liquor manufactured or produced outside of this state for sale or use for beverage purposes within this state and by the wholesale dealer who imports or receives intoxicating liquor manufactured or produced without the United States for sale or use for beverage purposes within this state. Each manufacturer, out-state solicitor and wholesale dealer on or before the fifteenth day of each calendar month shall file with the supervisor of liquor control, on forms prescribed and furnished by the supervisor, a written report in duplicate, under oath, in such form as is required by the supervisor to enable him to compute, and assure the accuracy of, the charges due on all sales and importations of intoxicating liquor occurring during the preceding month. Payment of the charges in the amount disclosed by the

report by bank draft, money order, certified check or cashier's check payable to the department of revenue shall accompany the report to the supervisor of liquor control. 2. If the supervisor of liquor control deems it necessary in order to ensure the payment of the charges imposed by this law, he may require returns to be made more frequently than and covering periods of less than a month. The return shall contain such further information as the supervisor of liquor control may reasonably require. Each such manufacturer, out-state solicitor or wholesale dealer shall pay to the director of revenue, with the filing of such return, the tax imposed by this law, as so reported during the period covered by such return. 3. In case of failure to pay any charges as required under sections 311.520 and 311.550 on or before the date prescribed therefor, there shall be added to the amount of charge an amount equal to one percent per business day of the deficiency, not to exceed twenty-five percent of the deficiency, and in addition interest on the deficient charge and penalty at the rate of one percent a month or fraction of a month from the date the deficient charge became due until paid. ---------- (L. 1961 p. 43, A.L. 1989 S.B. 429, A.L. 1990 H.B. 1180)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.554 - Privilege of selling wine, additional revenue charges — purpose — Missouri wine and grape fund created — limitation on use of revenue.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.554. Privilege of selling wine, additional revenue charges — purpose — Missouri wine and grape fund created — limitation on use of revenue. —1. In addition to the charges imposed by section 311.550, there shall be paid to and collected by the director of revenue for the privilege of selling wine, an additional charge of six cents per gallon or fraction thereof. The additional charge shall be paid and collected in the same manner and at the same time that the charges imposed by section 311.550 are paid and collected. 2. Until June 30, 2006, the revenue derived from the additional charge imposed by subsection 1 shall be deposited by the state treasurer to the credit of a separate account in the marketing development fund created by section 261.035. Beginning July 1, 2006, the revenue derived from such additional charge shall be deposited by the state treasurer in the Missouri wine and grape fund created by this section. Moneys to the credit of both the marketing development fund and the Missouri wine and grape fund shall be used only for market development in developing programs for growing, selling, and marketing of grapes and grape products grown in Missouri, including all necessary funding for the employment of experts in the fields of viticulture and enology as deemed necessary, and programs aimed at improving marketing of all varieties of grapes grown in Missouri; and shall be appropriated and used for no other purpose. 3. There is hereby created in the state treasury the "Missouri Wine and Grape Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund to the department of agriculture for use solely by the Missouri wine and grape board created under section 262.820 in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. 4. In addition to the charges imposed by subsection 1 of this section and section 311.550, there shall be paid to and collected by the director of revenue for the privilege of selling wine an additional charge of six cents per gallon or fraction thereof. Until June 30, 2006, this additional six cents per gallon shall be deposited by the state treasurer to the credit of a separate account in the marketing development fund created by section 261.035. Beginning July 1, 2006, the revenue derived from such additional charge shall be deposited by the state treasurer in the Missouri wine and grape fund created in this section. ---------- (L. 1983 S.B. 6 §§ 311.554, 2, A.L. 1989 S.B. 340, A.L. 1998 H.B. 1240, A.L. 2002 H.B. 1348, A.L. 2005 S.B. 355)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.555 - Bond — failure to file — forfeiture.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.555. Bond — failure to file — forfeiture. —Every manufacturer, including one who blends or bottles intoxicating liquors, as to all intoxicating liquor produced or imported by the manufacturer for sale or use for beverage purposes within this state, and the out-state solicitor who imports into this state intoxicating liquor manufactured or produced outside of this state for sale or use for beverage purposes within this state, and the wholesale dealer who imports or receives intoxicating liquor manufactured or produced without the United States for sale or use for beverage purposes within this state and, therefore, shall be liable for payment for charges as provided by section 311.553, shall also file with the supervisor of liquor control a bond in an amount not less than one thousand dollars and not to exceed one hundred thousand dollars on a form to be approved by, and with a surety satisfactory to, the supervisor of liquor control. Such bond shall be conditioned upon the manufacturer, out-state solicitor or wholesale dealer paying to the director of revenue all moneys becoming due from such manufacturer, out-state solicitor or wholesale dealer under this law. The supervisor of liquor control shall fix the penalty of the bond in each case, taking into consideration the amount of intoxicating liquor expected to be sold and used by such manufacturer, out-state solicitor or wholesale dealer, and the penalty fixed by the supervisor shall be sufficient in the supervisor's opinion, to protect the state of Missouri against failure to pay any amount due under this law, but the amount of the penalty fixed by the supervisor shall not exceed twice the amount of tax liability of a monthly return. In no event shall the amount of such penalty be less than one thousand dollars. Failure by any licensed manufacturer, out-state solicitor or wholesale dealer to keep a satisfactory bond in effect with the supervisor or to furnish additional bond to the supervisor when required hereunder by the supervisor to do so shall be grounds for the revocation or suspension of such manufacturer's, out-state solicitor's or wholesale dealer's license by the supervisor. If a manufacturer, out-state solicitor or wholesale dealer fails to pay any amount due under this law, his bond with the supervisor

shall be deemed forfeited, and the department of revenue may institute a suit in its own name on such bond. ---------- (L. 1961 p. 43 § 311.553, A.L. 1967 p. 426)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.557 - License, revocation.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.557. License, revocation. —After notice and opportunity for a hearing, the supervisor may revoke or suspend the license of any manufacturer, out-state solicitor or wholesale dealer who fails to comply with the provisions of sections 311.553 and 311.555. No new or renewal license shall be granted to a person who fails to comply with sections 311.553 and 311.555. ---------- (L. 1961 p. 43 § 311.553)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.561 - Charges, how paid and collected.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.561. Charges, how paid and collected. —Notwithstanding any provision in this chapter, all charges imposed by this chapter shall be paid and collected as provided in sections 311.520 and 311.553, and the affixing of stamps to the containers of intoxicating liquor shall not be required or sufficient to show the payment of the charges. ---------- (L. 1961 p. 43)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.580 - Possession of illegal or untaxed liquor prohibited — manufacturers, blenders and wholesalers excepted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.580. Possession of illegal or untaxed liquor prohibited — manufacturers, blenders and wholesalers excepted, when. —1. No person shall possess intoxicating liquor in any quantity for any purpose in the state of Missouri which has not been lawfully manufactured. 2. No person shall possess intoxicating liquor within the state of Missouri for sale in any quantity, or for any other purpose in any quantity, in excess of five gallons, unless the required inspection, labeling or gauging fee or license has been paid thereon, except that persons licensed by the supervisor of liquor control as manufacturers, blenders, or distillers of intoxicating liquor may possess intoxicating liquor in this state in bulk without having paid the fees above referred to when it is to be used only in manufacturing, blending, or distilling intoxicating liquor, and subject to such regulations as the supervisor of liquor control may prescribe to safeguard the fees due the state of Missouri. Persons licensed as manufacturers, blenders, distillers, and wholesalers whose licensed premises are within the state of Missouri may possess in United States government bonded warehouses located in this state intoxicating liquors which have been bottled in United States government bond without first paying the fees subject to such regulations as the supervisor of liquor control may prescribe to safeguard the fees due this state when the liquor is withdrawn from said warehouse for sale or storage in this state outside of a United States internal revenue bonded warehouse. Wholesalers licensed by the supervisor of liquor control whose licensed premises are within the state of Missouri may possess in United States customs bonded warehouses in this state intoxicating liquors without first paying the fees above referred to subject to regulations prescribed by the supervisor of liquor control to safeguard the fees due the state of Missouri when the liquor is withdrawn from a United States customs bonded warehouse for sale or storage in this state outside of a United States customs bonded warehouse. ---------- (RSMo 1939 § 4884, A.L. 1945 p. 1043, A.L. 1949 p. 320, A.L. 1961 p. 43)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.600 - Unlawful to sell unlabeled liquor — penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.600. Unlawful to sell unlabeled liquor — penalty. —Any person who shall sell any intoxicating liquors, as defined in this chapter, within this state, which have not been inspected and labeled according to the provisions of this law, shall be deemed guilty of a misdemeanor, and in addition thereto shall have his license or other authority, giving him the right to manufacture or sell said liquors in this state, revoked, and shall not again receive any such license or other authority for a period of two years thereafter. ---------- (RSMo 1939 § 4928, A.L. 1945 p. 1043, A.L. 1961 p. 43)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.610 - Supervisor of liquor control — appointment, bond, duties, assistants — minimum compensation provided.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.610. Supervisor of liquor control — appointment, bond, duties, assistants — minimum compensation provided. —1. For the purpose of carrying out the provisions of this chapter and the liquor control law, the governor, by and with the advice and consent of the senate, shall appoint some suitable person of good moral character over the age of thirty years, who has been a qualified elector in the state of Missouri for at least five years next before the date of his appointment, as supervisor of liquor control. The supervisor of liquor control shall serve at the pleasure and under the supervision and direction of the governor. 2. The supervisor of liquor control shall devote his entire time to the duties of his office and, with the approval of the governor, appoint and employ all agents, assistants, deputies, inspectors and employees necessary for the proper enforcement and administration of the provisions of the liquor control law whose salaries shall be fixed by the governor, but no salary shall be greater than that paid to employees in other state departments for similar work, except that no salary of an agent directly engaged in the enforcement of the liquor control law shall be less than eight thousand dollars a year. In addition to his salary, the supervisor of liquor control and each of the agents, assistants, deputies, inspectors and employees shall be reimbursed for

all expenses necessarily incurred in the discharge of their duties. No expenses shall be allowed for sustenance to any supervisor, agent, assistant, deputy, inspector or employee while in the city or town of his residence. 3. Before entering upon the discharge of his duties, the supervisor of liquor control shall take and subscribe to an oath to support the Constitution of the United States and of this state, and faithfully demean himself in office, and shall also execute bond to the state of Missouri in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be approved by the governor and deposited with the secretary of state and kept in his office; the premiums of the bond shall be paid by the state out of funds appropriated for that purpose. 4. The supervisor of liquor control shall issue licenses for the manufacture and sale of ardent spirits, malt, vinous, fermented and every class of liquors used as beverages. The supervisor of liquor control shall keep a record of all intoxicating liquor manufactured, brewed or sold in this state by every brewery, distiller, manufacturer, distributor or wholesaler, and make a complete report of the same to the governor at the end of each calendar year, or as soon thereafter as possible. ---------- (RSMo 1939 § 4875, A.L. 1945 p. 1043, A.L. 1959 H.B. 104, A.L. 1972 H.B. 649, A.L. 2009 H.B. 132) CROSS REFERENCES: Appointment, nomination by director of department of public safety, 650.005 Supervisor of alcohol and tobacco control, position created, 311.615

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.615 - Division of liquor control established, duties.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.615. Division of liquor control established, duties. —There shall be a division within the department of public safety known as the "Division of Alcohol and Tobacco Control", which shall have as its chief executive officer the supervisor of alcohol and tobacco control appointed pursuant to section 311.610. All references to the division of liquor control and the supervisor of liquor control in the statutes shall mean the division of alcohol and tobacco control and the supervisor of alcohol and tobacco control. ---------- (L. 2003 S.B. 298, A.L. 2005 S.B. 262)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.620 - Qualification and requirements of agent, assistant, deputy, or inspector.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.620. Qualification and requirements of agent, assistant, deputy, or inspector. —1. No person shall be appointed as agent, assistant, deputy or inspector under the provisions of the liquor control law who shall have been convicted of or against whom any indictment may be pending for any offense; nor shall any person be appointed as such agent, assistant, deputy or inspector who is not of good character or who is not a citizen of the United States, and who is not a resident taxpaying citizen of the state at the time of his or her appointment; or who is not able to read and write the English language or who does not possess ordinary physical strength and who is not able to pass such physical and mental examination as the supervisor of alcohol and tobacco control may prescribe. 2. No agent, assistant, deputy or inspector so appointed shall hold any other commission or office, elective or appointive or accept any other employment compensation while he or she is an employee of the division of alcohol and tobacco control, except with the written permission of the supervisor of alcohol and tobacco control. No agent, assistant, deputy or inspector of the division of alcohol and tobacco control shall accept any reward or gift other than his or her regular salary and expenses as provided in this chapter. No agent, assistant, deputy or inspector of the division of alcohol and tobacco control shall perform any police duty connected with the conduct of any election, nor at any time or in any manner electioneer for or against any party ticket, or any candidate for nomination or office on any party ticket, nor for or against any proposition of any kind or nature to be voted upon at any election. 3. The agents, assistants, deputies and inspectors appointed under the provisions of section 311.610 shall before entering upon the discharge of their duties, each take and subscribe an oath to support the Constitution and laws of the United States and the State of Missouri and to faithfully demean themselves in office in the form prescribed by Section 11, Article VII of the Constitution of this State, and they shall each give bond to be approved by the supervisor of alcohol and tobacco control for faithful performance of the duties of their respective offices and to safely keep and account for all moneys and property received by them. This bond shall be in the sum of five thousand dollars, and the cost of furnishing all such bonds shall be paid by the state. 4. Any agent, assistant, deputy or inspector of the division of alcohol and tobacco control who shall violate the provisions of this chapter shall be immediately discharged. ---------- (L. 1941 p. 409 § 4875a, A.L. 1945 p. 1040, A.L. 1995 S.B. 43, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.630 - Peace officers — authorized to make arrests for certain violations — method of selection — duty of supervisor.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.630. Peace officers — authorized to make arrests for certain violations — method of selection — duty of supervisor. —1. The supervisor of alcohol and tobacco control and employees to be selected and designated as peace officers by the supervisor of alcohol and tobacco control are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests and searches and seizures only for violations of the provisions of this chapter relating to intoxicating liquors, and sections 407.924 to 407.934 relating to tobacco products, and to serve any process connected with the enforcement of such laws. The peace officers so designated shall have been previously appointed and qualified under the provisions of section 311.620 and shall be required to hold a valid peace officer license pursuant to chapter 590. 2. The supervisor of alcohol and tobacco control shall furnish such peace officers with credentials showing their authority and a special badge, which they shall carry on their person at all times while on duty. The names of the peace officers so designated shall be made a matter of public record in the office of the supervisor of alcohol and tobacco control. 3. All fees for the arrest and transportation of persons

arrested and for the service of writs and process shall be the same as provided by law in criminal proceedings and shall be taxed as costs. ---------- (L. 1943 p. 621 § 4876a, A.L. 1945 p. 1042, A.L. 1990 H.B. 1180, A.L. 1995 S.B. 43, A.L. 2003 S.B. 298, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.640 - Supervisor — employees not permitted to have interest in liquor business.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.640. Supervisor — employees not permitted to have interest in liquor business. —Neither the supervisor of liquor control nor any of his employees, shall have any interest, directly or indirectly, either proprietary or by means of any loan, mortgage or other lien, either for his own benefit or in a fiduciary capacity, or in any other manner in or on any premises where intoxicating liquor is distilled, brewed, manufactured or sold; nor shall he or they have any interest, directly or indirectly in any business, wholly or partially devoted to the distilling, brewing, manufacture or sale of intoxicating liquor; nor shall he or they, directly or indirectly, engage in dealing in or distilling, brewing, manufacturing or selling intoxicating liquor, either as owner, part owner, partner, member of a syndicate, shareholder of a corporation, agent or employee, either for his or their benefit or in a fiduciary capacity. ---------- (RSMo 1939 § 4883)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.650 - Offices of supervisor.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.650. Offices of supervisor. —The principal office of the supervisor of liquor control shall be at the seat of government at Jefferson City, and the director of the division of facilities management, design and construction at the capitol shall provide offices for the liquor control department. ---------- (RSMo 1939 § 4887, A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.660 - Powers of supervisor — regulations — subpoenas.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.660. Powers of supervisor — regulations — subpoenas. —1. The supervisor of liquor control shall have the authority to suspend or revoke for cause all such licenses; and to make the following regulations, without limiting the generality of provisions empowering the supervisor of liquor control as in this chapter set forth as to the following matters, acts and things: (1) Fix and determine the nature, form and capacity of all packages used for containing intoxicating liquor of any kind, to be kept or sold under this law; (2) Prescribe an official seal and label and determine the manner in which such seal or label shall be attached to every package of intoxicating liquor so sold under this law; this includes prescribing different official seals or different labels for the different classes, varieties or brands of intoxicating liquor; (3) Prescribe all forms, applications and licenses and such other forms as are necessary to carry out the provisions of this chapter, except that when a licensee substantially complies with all requirements for the renewal of a license by the date on which the application for renewal is due, such licensee shall be permitted at least an additional ten days from the date notice is sent that the application is deficient, in which to complete the application; (4) Prescribe the terms and conditions of the licenses issued and granted under this law; (5) Prescribe the nature of the proof to be furnished and conditions to be observed in the issuance of duplicate licenses, in lieu of those lost or destroyed; (6) Establish rules and regulations for the conduct of the business carried on by each specific licensee under the license, and such rules and regulations if not obeyed by every licensee shall be grounds for the revocation or suspension of the license; (7) The right to examine books, records and papers of each licensee and to hear and determine complaints against any licensee; (8) To issue subpoenas and all necessary processes and require the production of papers, to administer oaths and to take testimony; (9) Prescribe all forms of labels to be affixed to all packages containing intoxicating liquor of any kind; and (10) To make such other rules and regulations as are necessary and feasible for carrying out the provisions of this chapter, as are not inconsistent with this law. 2. Notwithstanding subsection 1 of this section, the supervisor of liquor control shall not prohibit persons from participating in the sale of intoxicating liquor within the scope of their employment solely on the basis of being found guilty of any felony offense, except for prohibitions set forth in sections 311.191 and 311.193. ---------- (RSMo 1939 § 4889, A.L. 1989 S.B. 429, A.L. 2021 S.B. 26)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.665 - Sales and use tax must be paid to renew license — statement required.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.665. Sales and use tax must be paid to renew license — statement required. —1. Before any license is renewed under the provisions of this chapter, the supervisor of liquor control shall require a statement from the director of revenue that the applicant has paid all sales and use taxes due, including all penalties and interest or does not owe any sales or use tax. 2. Within ten days from the issuance of a sales and use tax statement by the director of revenue, the licensee shall file with the supervisor of alcohol and tobacco control a copy of such sales and use tax statement. ---------- (L. 1984 H.B. 1533, et al. § 2, A.L. 2009 H.B. 132, A.L. 2016 S.B. 919)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.670 - Failure of supervisor and employees to perform duties.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.670. Failure of supervisor and employees to perform duties. —If the supervisor of liquor control or any of his employees or agents shall fail to perform any of the duties imposed upon them by this chapter, or shall in any manner violate any of the provisions thereof, he or they shall be deemed guilty of a misdemeanor and, if the supervisor of liquor control or any of his employees or agents shall fail to faithfully perform the duties enjoined upon them by this chapter, they may be removed from office by the governor. ---------- (RSMo 1939 § 4929)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.680 - Disorderly place, warning, probation, suspension or revocation of license, when, notice — civil penalties — meet and confer opportunity, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.680. Disorderly place, warning, probation, suspension or revocation of license, when, notice — civil penalties — meet and confer opportunity, when. —1. Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, the supervisor of liquor control may warn, place on probation on such terms and conditions as the supervisor of liquor control deems appropriate for a period not to exceed twelve months, suspend or revoke the license of that person, but the person shall have ten days' notice of the application to warn, place on probation, suspend or revoke the person's license prior to the order of warning, probation, revocation or suspension issuing. 2. Any wholesaler licensed pursuant to this chapter in lieu of, or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty by the supervisor of liquor control of not less than one hundred dollars or more than twenty-five hundred dollars for each violation. 3. Any solicitor licensed pursuant to this chapter in lieu of the suspension or revocation authorized in subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than one hundred dollars nor more than five thousand dollars for each violation. 4. Any retailer with less than five thousand occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than one thousand dollars for each violation. 5. Any retailer with five thousand or more occupant capacity licensed pursuant to this chapter in lieu of the suspension or revocation authorized by subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than five thousand dollars for each violation. 6. Any aggrieved person may appeal to the administrative hearing commission in accordance with section 311.691. 7. In order to encourage the early resolution of disputes between the supervisor of liquor control and licensees, the supervisor of liquor control, prior to issuing an order of warning, probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of liquor control, or his or her designee, concerning the alleged violations. At least ten days prior to such meeting or conference, the supervisor shall provide the licensee with notice of the time and place of such meeting or conference, and the supervisor of liquor control shall also provide the licensee with a written description of the specific conduct for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies of any violation report or any other documents which are the basis for such action. Any order of warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from the date of such order. ---------- (RSMo 1939 § 4905, A.L. 1978 S.B. 661, A.L. 1996 S.B. 933, A.L. 2002 S.B. 834, A.L. 2009 H.B. 132) (1964) Evidence was sufficient for superintendent to find that licensee had sold intoxicating liquor to minor and it was not necessary that licensee's guilt be determined by court or jury or that supervisor overcome any presumption of innocence of licensee in order for superintendent to suspend licensee's license. Crooms v. Ketchum (Mo.), 379 S.W.2d 580.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.685 - Civil actions permitted, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.685. Civil actions permitted, when. —1. Any retail licensee selling intoxicating liquor under this chapter and aggrieved by official action of the supervisor affecting the licensee may bring a civil action against any person who is the proximate cause of such official action by the supervisor, if the violation occurred on or about the premises of the retail licensee. If a judgment is entered in favor of the licensee, the court shall award the retail licensee civil damages up to an amount of five thousand dollars and shall award reasonable court costs and attorney fees. 2. No civil action shall be brought under this section against any employee of the supervisor of alcohol and tobacco control or any law enforcement officer. ---------- (L. 2007 S.B. 299 & S.B. 616, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.691 - Review by administrative hearing commission.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.691. Review by administrative hearing commission. —Any person aggrieved by official action of the supervisor of liquor control affecting the licensed status of a person subject to the jurisdiction of the supervisor of liquor control, including the refusal to grant, the grant, the revocation, the suspension, the warning, the probation, the imposition of a civil penalty or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the office of the supervisor of liquor control. ---------- (L. 1978 S.B. 661, A.L. 1996 S.B. 933)

Title: title-xx

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.710 - Additional complaints — by whom made — procedure.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.710. Additional complaints — by whom made — procedure. —1. In addition to the penalties and proceedings for suspension or revocation of licenses provided for in this chapter, and without limiting them, proceedings for the suspension or revocation of any license authorizing the sale of intoxicating liquor at retail may be brought in the circuit court of any county in this state, or in the City of St. Louis, in which the licensed premises are located and such proceedings may be brought by the sheriff or any peace officer of that county or by any eight or more persons who are taxpaying citizens of the county or city for any of the following offenses: (1) Selling, giving or otherwise supplying intoxicating liquor to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor; (2) Knowingly permitting any prostitute, degenerate, or dissolute person to frequent the licensed premises; (3) Permitting on the licensed premises any disorderly conduct, breach of the peace, or any lewd, immoral or improper entertainment, conduct or practices; (4) Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under his or her license; (5) Selling, giving, or otherwise supplying intoxicating liquor to any person under the age of twenty-one years; (6) Selling, giving or otherwise supplying intoxicating liquors between the hours of 1:30 a.m. and 6:00 a.m. any day of the week. 2. Provided, that said taxpaying citizen shall submit in writing, under oath, by registered United States mail to the supervisor of alcohol and tobacco control a joint complaint, stating the name of the licensee, the name under which the licensee's business is conducted and the address of the licensed premises, setting out in general the character and nature of the offense or offenses charged, together with the names and addresses of the witnesses by whom proof thereof is expected to be made; and provided, that after a period of thirty days after the mailing of such complaint to the supervisor of alcohol and tobacco control the person therein complained of shall not have been cited by the supervisor to appear and show cause why his or her license should not be suspended or revoked then they shall file with the circuit clerk of the county or city in which the premises are located a copy of the complaint on file with the supervisor of alcohol and tobacco control. 3. If, pursuant to the receipt of such complaint by the supervisor of alcohol and tobacco control, the licensee appears and shows cause why his or her license should not be suspended or revoked at a hearing held for that purpose by the supervisor and either the complainants or the licensee consider themselves aggrieved with the order of the supervisor then, after a request in writing by either the complainants or the licensee, the supervisor shall certify to the circuit clerk of the county or city in which the licensed premises are located a copy of the original complaint filed with him or her, together with a copy of the transcript of the evidence adduced at the hearing held by him or her. Such certification by the supervisor shall not act as a supersedeas of any order made by him or her. 4. Upon receipt of such complaint, whether from the complainant directly or from the supervisor of alcohol and tobacco control, the court shall set a date for an early hearing thereon and it shall be the duty of the circuit clerk to cause to be delivered by registered United States mail to the prosecuting attorney of the county or to the circuit attorney of the City of St. Louis and to the licensee copies of the complaint and he or she shall, at the same time, give notice of the time and place of the hearing. Such notice shall be delivered to the prosecuting attorney or to the circuit attorney and to the licensee at least fifteen days prior to the date of the hearing. 5. The complaint shall be heard by the court without a jury and if there has been a prior hearing thereon by the supervisor of alcohol and tobacco control then the case shall be heard de novo and both the complainants and the licensee may produce new and additional evidence material to the issues. 6. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the suspension or revocation of the license but, in so doing, shall take into consideration whatever order, if any, may have been made in the premises by the supervisor of alcohol and tobacco control. If the court finds that to revoke the license would be unduly severe, then the court may suspend the license for such period of time as the court deems proper. 7. The judgment of the court in no event shall be superseded or stayed during pendency of any appeal therefrom. 8. It shall be the duty of the prosecuting attorney or circuit attorney to prosecute diligently and without delay any such complaints coming to him or her by virtue of this section. 9. The jurisdiction herein conferred upon the circuit courts to hear and determine complaints for the suspension or revocation of licenses in the manner provided in this section shall not be exclusive and any authority conferred upon the supervisor of alcohol and tobacco control to revoke or suspend licenses shall remain in full force and effect, and the suspension or revocation of a license as provided in this section shall be in addition to and not in lieu of any other revocation or suspension provided by this chapter. 10. Costs accruing because of such hearings in the circuit court shall be taxed in the same manner as criminal costs. ---------- (L. 1943 p. 617 § 4946a, A.L. 2021 S.B. 126)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.720 - License automatically revoked upon conviction — exceptions.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.720. License automatically revoked upon conviction — exceptions. —Conviction in any court of any violation of this chapter, or any felony violation of chapter 195, in the course of business, shall have the effect of automatically revoking the license of the person convicted, and such revocation shall continue operative until said case is finally disposed of, and if the defendant is finally acquitted, he may apply for and receive a license hereunder, upon paying the regular license charge therefor, in the same manner as though he had never had a license hereunder; provided, however, that the provisions of this section shall not apply to violations of section 311.070, and violations of said section shall be punished only as therein provided. ---------- (RSMo 1939 § 4909, A.L. 1941 p. 410, A.L. 1998 H.B. 1147, et al.)

Title: title-xx

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.722 - Alcohol and tobacco control, minors not to be used in enforcement, exceptions — standards — minors immune from liability, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.722. Alcohol and tobacco control, minors not to be used in enforcement, exceptions — standards — minors immune from liability, when. —1. The supervisor of alcohol and tobacco control shall not use minors to enforce the laws of this chapter unless the supervisor promulgates rules and regulations that establish standards for the use of minors. The standards shall include those in subsection 2 of this section. 2. The supervisor shall establish, by July 1, 2006, permissive standards for the use of minors in investigations by any state, county, municipal or other local law enforcement authority, and which shall, at a minimum, provide for the following: (1) The minor shall be eighteen or nineteen years of age; (2) The minor shall have a youthful appearance and the minor, if a male, shall not have facial hair or a receding hairline; (3) The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the intoxicating liquor at the licensed establishment; (4) The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age, nor misrepresent anything in order to induce a sale of intoxicating liquor. 3. The supervisor of alcohol and tobacco control shall not participate with any state, county, municipal, or other local law enforcement agency, nor discipline any licensed establishment when any state, county, municipal, or other law enforcement agency chooses not to follow the supervisor's permissive standards. 4. Any minors used in investigations under this section shall be exempt from any violations under this chapter during the time they are under direct control of the state, county, municipal, or other law enforcement authorities. ---------- (L. 2005 S.B. 402, A.L. 2009 H.B. 132)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.730 - Fees paid into general revenue fund and division of alcohol and tobacco control fund.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.730. Fees paid into general revenue fund and division of alcohol and tobacco control fund. —1. Except as otherwise provided under subsection 2 of this section, all fees collected by the director of revenue as provided for in this chapter, including licenses, inspection and gauging fees, shall be paid into the state treasury, to the credit of the ordinary state revenue fund. 2. Seventy percent of all fees for licenses and permits collected under this chapter shall be paid to the credit of the division of alcohol and tobacco control fund established under section 311.735. ---------- (RSMo 1939 § 4930, A.L. 1945 p. 1043, A.L. 2015 S.B. 373)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.735 - Division of alcohol and tobacco control fund created, use of moneys.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.735. Division of alcohol and tobacco control fund created, use of moneys. —1. There is hereby created in the state treasury the "Division of Alcohol and Tobacco Control Fund". The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely by the division of alcohol and tobacco control for the administration of this chapter and sections 407.925 to 407.934, and any duties under such chapter and sections relating to licensing, training, technical assistance, and regulations. 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. 3. Appropriation of funds by the general assembly from the fund shall be used to support the division of alcohol and tobacco control for the purposes provided under subsection 1 of this section. ---------- (L. 2015 S.B. 373)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.740 - Maintaining public nuisance — penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.740. Maintaining public nuisance — penalty. —1. Any room, house, building, boat, vehicle, structure or place of any kind where intoxicating liquor is sold, manufactured, kept for sale or bartered, in violation of this law and all intoxicating liquors and all property kept and used in maintaining such a place and any still, doubler, worm, worm tub, mash tub, fermenting tub, vessel, fixture or other property of any kind or character used or fit for use in the production or manufacture of intoxicating liquor is hereby declared to be a public and common nuisance, and any person who maintains or assists in maintaining such public and common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not less than thirty days nor more than one year or both. 2. If a person has knowledge or reason to believe that his property, real or personal, vehicle, boat or structure is occupied or used for the manufacture, sale, storing, keeping or bartering of intoxicating liquor in violation of the provisions of this law and suffers the same to be so used, or maintains or keeps therein any still, doubler, worm, worm tub, mash tub, fermenting tub or fixture used or fit for use in the production or manufacture of intoxicating liquor illegally, after such knowledge or reason to believe, such property shall be subject to a lien for and may be sold to pay all fines and costs assessed against the occupant of such building or property for any violation of this law occurring after the passage thereof which said lien shall attach from the time of filing of notice of commencement of the suit in the office where the records of the transfer of real estate are kept and any such lien may be established and enforced by legal action instituted for that purpose in any court having jurisdiction. 3. Such lien shall be released upon final judgment assessing no fines or costs or by paying the final judgment assessing

fine and cost. ---------- (RSMo 1939 § 4943) (1954) Place where intoxicating liquor was sold and in which immoral men congregated and engaged in such cursing, fighting and quarreling as to disturb others was properly padlocked and its use enjoined. State ex rel. Davenport v. Henry (A.), 270 S.W.2d 88.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.750 - Action to enjoin nuisance — procedure.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.750. Action to enjoin nuisance — procedure. —1. That an action to enjoin any nuisance defined in this chapter may be brought in the name of the state of Missouri by the attorney general of the state of Missouri, or by any prosecuting attorney or circuit attorney of any county or city of the state of Missouri. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases. If it is made to appear by affidavit, or otherwise to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or maintaining any such nuisance until the conclusion of the trial. Where a temporary injunction is prayed for, the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation of this chapter constituting such nuisance. No bond shall be required in instituting such proceedings. 2. It shall not be necessary for the court to find the property involved was being lawfully used as aforesaid at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no liquors shall be manufactured, sold, bartered, stored or kept in any such room, house, building, boat, vehicle, structure or place, or any part thereof. And upon such judgment of the court ordering said nuisance to be abated, the court may order that the room, house, building, boat, vehicle, structure or place, shall not be occupied or used for such period as the court may determine, not to exceed the period of one year; provided, however, that the court may find that the owner of such property, real or personal, or boat, vehicle, room or other structure or place knew or should have known or had reason to believe that the said property, boat, vehicle, room or structure was used for the purpose of the violation of this law. ---------- (RSMo 1939 § 4944) (1942) Where evidence showed defendants sold intoxicating liquors in amusement resort and restaurant without license in violation of the law, court properly enjoined such violation, but that part of judgment which enjoined wife as one of owners by entirety from managing or working about premises was reversed. State ex rel. Wallach v. Oehler (A.), 159 S.W.2d 313.

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.760 - Penalty for violation of terms of injunction.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.760. Penalty for violation of terms of injunction. —Any person violating the terms of the injunction as provided for in this chapter, shall be punished for contempt by fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days or more than one year; or by both such fine and imprisonment and the court shall have the power to enforce such injunction by such measures and means as in the judgment of the court may be necessary. ---------- (RSMo 1939 § 4945)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.770 - Duty of prosecuting attorney — failure to perform.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.770. Duty of prosecuting attorney — failure to perform. —1. In case the existence of any place where intoxicating liquors are manufactured or sold in violation of law is disclosed in any criminal proceedings, it shall be the duty of the prosecuting attorney to proceed promptly to enforce the provisions of this law against such place as a nuisance. 2. In any affidavit, information or indictment for the violation of this law, separate offenses may be united in separate counts and the defendant may be tried on all of the separate offenses at one trial and the cumulative penalty for each offense may be imposed by the courts. It shall not be necessary in any affidavit, information or indictment to give the name of the purchaser or to include any defensive negative averments, but it shall be sufficient to state that the act complained of was then and there prohibited and unlawful. 3. Whenever any prosecuting attorney shall be unable or shall neglect, fail or refuse to enforce any of the provisions of this chapter, or for any reason whatsoever, the provisions of this chapter shall not be enforced in any county in this state, it shall be the duty of the attorney general of the state to enforce the same in such county, and for that purpose, he may appoint as many assistants as he shall deem necessary, and he and his assistants shall be authorized to sign, verify and file, all such complaints, affidavits, petitions, informations, indictments and papers as the prosecuting attorney is authorized to sign, verify or file, and to do and perform any act that the prosecuting attorney might lawfully do or perform. ---------- (RSMo 1939 § 4946)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.780 - List of complaints, revocations, suspensions to prosecuting attorneys — attorney general, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.780. List of complaints, revocations, suspensions to prosecuting attorneys — attorney general, when. —1. The supervisor of liquor control shall, at least once each month, transmit a list of all complaints made to or by him against licensees for alleged violations of the liquor control law to the circuit attorney of the city of St. Louis and to the prosecuting attorney of every county in which said violations are alleged to have occurred, together with a list showing all revocations and suspensions of licenses within such county ordered by said supervisor of liquor control, together with a brief

statement of the facts pertaining to each case, and it shall be the duty of the supervisor of liquor control at the time of transmitting each such list and statement to transmit to the attorney general a duplicate thereof for the information of the attorney general in carrying out and enforcing the provisions of the liquor control law. 2. It shall be the duty of the circuit attorney of the city of St. Louis and the prosecuting attorney of every county to transmit to the supervisor of liquor control, at least once in every three months, a written report of the action, if any, taken by such circuit or prosecuting attorney on each complaint contained on the lists so transmitted to him. ---------- (RSMo 1939 § 4878, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.790 - Prosecution of violations, by whom — fees and expenses.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.790. Prosecution of violations, by whom — fees and expenses. —1. For the purpose of enforcing the provisions of this chapter and acts amendatory thereto, the prosecuting attorneys of the respective counties or the circuit attorneys, or at the request of the governor, the attorney general shall investigate and prosecute all violations of any provision of this law; and shall represent the supervisor of liquor control in any and all legal matters arising under this chapter. When requested by the governor, the attorney general, or his assistants shall in the enforcement of this law, have the power to sign indictments or informations and conduct prosecutions in any county or city within this state. 2. Whenever any tax, fee or other charge, as authorized by this chapter shall be due, suit may be instituted in any court of competent jurisdiction by the prosecuting attorney of the county, or at the request of the director of revenue, by the attorney general, in the name of the state at the relation of the director of revenue, to recover such tax, fee or other charge, and in any such suit all persons, associations or corporations interested may be made parties and service may be had on both residents and nonresidents in the same manner as provided by law in civil actions. ---------- (RSMo 1939 § 4876, A.L. 1945 p. 1043)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.800 - Attorney general may direct prosecuting attorneys to conduct prosecutions.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.800. Attorney general may direct prosecuting attorneys to conduct prosecutions. —Whenever requested to carry out any of the duties as required by this chapter, the attorney general may, in his discretion, direct the prosecuting attorney of the county to conduct prosecutions and institute suits as required by this chapter. ---------- (RSMo 1939 § 4877)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.810 - Search warrants, how issued — search and seizure — procedure — arrests — disposition of perishable products.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.810. Search warrants, how issued — search and seizure — procedure — arrests — disposition of perishable products. —1. The attorney general of the state of Missouri at the direction of the governor, or the prosecuting attorney of any county, or the supervisor of liquor control, or any assistant deputy or inspector appointed by the supervisor of liquor control, is hereby empowered to file in the circuit court an application for a search warrant, which application shall be presented to a circuit or associate circuit judge and shall be by petition setting forth substantially the facts upon which the same is based, describing the place to be searched and the thing or things to be seized as nearly as may be, which petition shall be verified by the oath of the officer filing the same. 2. If it shall appear to the satisfaction of the court in which said petition is filed, either from the facts set forth in such petition, if supported by the affidavit of a competent witness to the facts set forth therein, or from evidence heard thereon, that there is probable cause to believe that intoxicating liquor is being unlawfully manufactured, sold, stored or kept in any building, structure, motor vehicle or other conveyance, or at any place described in such petition, within such county or transported, as by the law of this state defined, contrary to the provisions of any such law, or that thereat or therein is being used or kept any still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof used or fit for use in the unlawful manufacture or production of intoxicating liquor, it shall be the duty of such court to issue or cause to be issued a search warrant thereon, directed to the sheriff or other officer authorized by law to serve such process in this state, which search warrant shall substantially recite the facts set forth in such petition, and it shall thereupon be the duty of the officer executing such search warrant forthwith to enter any such building, structure, place, motor vehicle or other conveyance, either in the daytime or nighttime, by force if necessary, and to remove therefrom any intoxicating liquor, malt, mash and all grain, grain products, fruit or fruit products found therein or thereat which have reached such a stage of fermentation as to be unfit for any use save in the unlawful manufacture of intoxicating liquor; and to seize and remove therefrom any intoxicating liquor, still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof, used or fit for use in the unlawful manufacture of intoxicating liquor, and all grain, grain products, sugar syrup, hops, raisins and other fruit or fruit products used or fit for use in the unlawful manufacture of intoxicating liquor, which have not so fermented as to be useless for any other purpose than in the manufacture or production of intoxicating liquor, and to hold such property until all prosecutions arising out of such search and seizure shall be ended and determined. All intoxicating liquor unlawfully manufactured, stored, kept, sold, transported or otherwise disposed of, and the containers thereof and all equipment used or fit for use in the manufacture or production of the same, including all grain or other materials used, in the unlawful manufacture of intoxicating liquor, and which are found at or about any still or outfit for the unlawful making or manufacture of intoxicating liquor, are hereby declared contraband, and no right of property shall be or exist in any person or persons, firm, or corporation owning, furnishing or possessing any such property, liquor, material or equipment; but all such intoxicating liquors, property, articles and things, shall be sold upon an order of

the court and in the manner provided in this chapter and the proceeds thereof shall be applied on the payment of any fine and costs lawfully assessed against any person or persons convicted of the unlawful manufacture, production, transportation, sale, gift, storing, or possession of intoxicating liquor, or for any other unlawful disposition thereof in any such building, structure, motor vehicle or other conveyance, at any such place or on the premises thereof, or applied on the payment of any fine or costs of any person so convicted of keeping therein or thereat any still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof used or fit for use in the unlawful manufacture or production of intoxicating liquor, contrary to the provisions of this chapter, and all such property shall likewise be liable for the costs of making any search and seizure in case no person or persons shall be found in charge or control of any such property or claiming the same; provided, that all persons engaged in the work of unlawfully manufacturing intoxicating liquors in any building, structure, motor vehicle or other conveyance, or at any place as defined in this chapter, or of keeping, storing or selling intoxicating liquor in violation of this law or of any of the laws of this state, or assisting in any way in such unlawful manufacture, production, keeping, storing, selling or transporting same, and all persons in possession or control, whether owners or not, of any still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment used or fit for use in the unlawful manufacture or production of intoxicating liquor, or in possession or control of any grain, grain products, syrup, sugar, hops, raisins, or other fruit or fruit products, being used in the unlawful manufacture or unlawful production of intoxicating liquor, shall be deemed equally guilty of a violation of this law; provided further, that nothing in this chapter shall be so construed as to prevent any officer whose duty it is to make arrests from arresting, with or without warrant, any person or persons found violating any of the provisions of this law or from seizing or holding, as the case may be, any of the intoxicating liquor so found, including any liquor in process of fermentation or distillation, or any of the equipment, articles or materials, being in use or fit for use, in the process of unlawfully manufacturing intoxicating liquor as herein specified; however, in the case of a misdemeanor or a violation of a municipal or county ordinance, no physical arrest shall be made of any licensee who was not on the licensed premises at the time the violation occurred but a summons for later appearance may be issued. It is hereby expressly made the duty of the sheriffs and their deputies within their respective counties, and of marshals, chiefs of police and policemen in cities, towns and villages, and of all other officials whose duty it is or shall be to make arrests, to diligently suppress any violation of this law, and to this end such officers are hereby authorized and directed to arrest, with or without a warrant, any person or persons found violating any such provisions; and, if arrested without a warrant, then such officer shall immediately report the same to the prosecuting attorney of the county, and file the necessary complaint thereon. It shall be equally the duty of any officer to seize and hold without first obtaining a search warrant, any intoxicating liquor, still, doubler, worm, worm tub, mash, mash tub, fermenting tub, vessel, fixture or equipment, or any part or parts thereof, which he may find in use or fit for use in the unlawful manufacture of intoxicating liquor and to report same immediately to the prosecuting attorney of the county in which such liquor, articles and equipment may be found; provided further, that any officer executing a search warrant as provided in this chapter shall forthwith make his return thereon to the court issuing said search warrant of the manner and date of his execution thereof, showing what, if anything, was seized and held by such search, together with the name of the owner or owners, if known, of the things seized, and if not known, then the name or names of the person or persons appearing to be in charge or control thereof, and shall attach to said return as a part thereof an accurate list or inventory of the article and things so seized and in case of the seizure of any such articles, things or equipment, or intoxicating liquor which said officer may have found in use or fit for use without the aid of a search warrant as herein provided, he shall immediately file a list of the things so seized with the prosecuting attorney of the county in which the same were found, and shall hold the things so seized for disposition in accordance with the provisions of this law; and provided further, that all such articles, products and things declared in this section to be contraband, and which shall be seized by any officer and which shall be of such perishable nature as not to be susceptible of preservation until the determination of any prosecution arising out of seizure, shall be sold or otherwise disposed of as provided in this chapter by an order of the court issuing such search warrant, and the proceeds of such sale shall be held and applied as in this law providing. ---------- (RSMo 1939 § 4916, A.L. 1945 p. 1043, A.L. 1978 H.B. 1634, A.L. 1987 H.B. 520)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.820 - Search of vehicles for contraband liquor — use of evidence found.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.820. Search of vehicles for contraband liquor — use of evidence found. —The supervisor of liquor control of the state of Missouri and his agents and inspectors, members of the Missouri state highway patrol, and every sheriff and deputy sheriff in the state of Missouri may inspect and search any vehicle, with or without a search warrant, which he has probable cause to believe is being used in violation of the terms of this statute; provided, however, that any evidence found by any such officer while inspecting or searching any vehicle pursuant to the provisions of sections 311.410 to 311.460 may be used in any prosecution for the violation of sections 311.410 to 311.460; in any proceeding seeking to have any property seized in such search declared contraband under the provisions of sections 311.410 to 311.460, 311.580 and 311.820 to 311.850, but any such evidence shall not be used in any other proceeding whatsoever, civil or criminal. ---------- (L. 1949 p. 320 § 4932) (1951) The provisions of this section constitute a condition to the granting of a license under § 311.420 and consequently, objections to search on constitutional grounds are waived by application for and acceptance of license. State v. Ward, 361 Mo. 1236, 239 S.W.2d 313. (1953) If party to action for forfeiture does not establish that he is the owner of or has an interest in the whiskey he cannot question the legality of the search and seizure. State v. Rodgers, 364 Mo. 247, 260 S.W.2d 736.

Title: title-xx

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.830 - Transported liquor and vehicle to be seized as contraband, when.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.830. Transported liquor and vehicle to be seized as contraband, when. —Any intoxicating liquor being transported into, within, or through the state of Missouri in knowing and willful violation of the provisions of sections 311.410 to 311.460, 311.580 and 311.820 to 311.850, and the conveyance in which it is being transported shall be deemed contraband and shall be forfeited to the state of Missouri, and the supervisor of liquor control, or any of his agents and inspectors, and any peace officer of the state of Missouri shall seize any such liquor and the conveyance in which it is being transported as contraband. ---------- (L. 1949 p. 320 § 4932)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.840 - Action to forfeit seized liquor as contraband — notice — intervention — judgment — appeal — sale of forfeited liquor — liability of officers — prosecutor's duties.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.840. Action to forfeit seized liquor as contraband — notice — intervention — judgment — appeal — sale of forfeited liquor — liability of officers — prosecutor's duties. —1. Whenever any intoxicating liquor or other property having a value of more than fifty dollars is seized as contraband under any section of the liquor control law, the officer seizing such property, or the supervisor of liquor control, if the seizure is made by one of his agents, shall commence an action in the circuit court of the county in which such property is seized by filing a petition in the office of the clerk of said court in the name of the state of Missouri as plaintiff against the person from whom the property was seized as defendant, and there shall be a rebuttable presumption that said property is the property of the defendant from whom it was seized. Said petition shall describe the property seized and the circumstances of the seizure and shall pray the court to make an order, declaring said liquor or other property to be contraband and directing said seizing officer or the supervisor of liquor control, if the seizure was made by the supervisor or one of his agents, to sell said property at public or private sale, subject to the approval of the said circuit court. A summons shall be issued and process served on the defendant as in other civil suits. The defendant shall file his answer within thirty days after service of process upon him, whether such service is personal service, service by mail, or service by publication. After defendant's time for filing answer has expired, the court shall fix a day for hearing and said action shall be heard by the court without a jury and shall be conducted, except as otherwise in this chapter provided, as other cases under the code of civil procedure of the state of Missouri. 2. However, in addition to any other process provided by the civil code, the clerk of the circuit court shall cause to be published one time in some newspaper having a general circulation in the county where the action is pending, or if there be no newspaper of general circulation in the county, then in some newspaper of an adjoining county, a notice to all persons whom it may concern that said petition has been filed in said court, briefly describing the property seized, the time and circumstances of the seizure, the person from whom seized, and stating that any person claiming any interest in the property may, upon his own request, be made a party to the action and assert any claim he may have thereto within thirty days after the publication of said notice. 3. Any person claiming any interest in said property may intervene in said action within thirty days after the publication of said notice, setting forth any claim he may have to said property. 4. The court shall render such judgment as to it shall seem meet and just, and if it shall appear that any person who has made claim to said property is the owner thereof and was ignorant of the illegal use thereof and such illegal use was without his connivance or consent, express or implied, or if the court shall find that said property was not being illegally used at the time of seizure, the court shall relieve said property from forfeiture and restore it to the rightful owner, or if it shall appear that the claimant is the holder of a bona fide lien against the property, and that he was ignorant of the illegal use thereof and that such use was without his connivance or consent, express or implied, the court shall, first, if the lien so established is equal to or more than the value of the property, order said property to be delivered to the lienor. Or, if the property is valued at more than the established lien and all costs of proceedings and sale, an order shall be made for the sale of said property by the seizing officer or by the supervisor of liquor control, if the seizure was made by him or one of his agents, at public or private sale, subject to the approval of the court, and out of the proceeds of such sale shall be paid: Storage, if any, the lien, the cost of the proceedings, and the residue, if any, shall be paid into the general revenue fund of the state of Missouri. If it shall be determined that no person, other than the defendant, has any interest in said property or that the person or persons having any interest in said property knew of or connived or gave consent, express or implied, to the illegal use thereof, and if it shall be found by the court that said property was, at the time it was seized, being illegally used and was contraband, as declared by any section of the liquor control law of the state of Missouri, the said property shall be declared to be forfeited to the state of Missouri, and the court shall order the officer who seized said property or the supervisor of liquor control, if the property was seized by one of his agents, to sell said property at public or private sale, subject to the approval of the court, and out of the proceeds of said sale shall be paid: The cost of storage, if any, cost of the proceedings of the case and the balance thereof shall be paid into the general revenue fund of the state of Missouri. 5. Appeals shall be allowed from the judgment of the circuit court as in other civil actions. 6. Whenever any liquor is sold under the provisions of this section, the officer selling it shall procure the proper excise stamps from the director of revenue and attach them to the container thereof, unless such liquor is already properly stamped, and he shall be reimbursed for the cost of said stamps out of the proceeds of the sale. 7. Under no circumstances shall the officer commencing said action on behalf of the state be liable for any costs or storage. 8. The supervisor of liquor control and his agents and any other officer authorized to make seizures of contraband under the liquor control law are each hereby authorized and empowered to call upon the prosecuting attorneys of the respective

counties and the circuit attorney of the city of St. Louis and the attorney general of the state of Missouri to represent them in any proceeding hereunder, and thereafter it shall be the duty of such prosecuting or circuit attorney or the attorney general to proceed on behalf of the officer making such call according to the provisions of this chapter. ---------- (L. 1949 p. 320 § 4917, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.850 - Action to replevin seized liquor, limitations, procedure — damages — appeals — sale of seized liquor — duties of prosecuting officials.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.850. Action to replevin seized liquor, limitations, procedure — damages — appeals — sale of seized liquor — duties of prosecuting officials. —1. Whenever any intoxicating liquor or other property of the value of fifty dollars or less is seized as contraband under any provision of the liquor control law by any officer, he shall give to the person from whom it is seized a receipt for said property. Any person claiming title to said property as owner or otherwise may at any time within sixty days of such seizure file a suit in replevin against the officer seizing said property. Said suit shall be heard by the court without a jury and conducted as any other suit in replevin is conducted except as otherwise provided in this chapter, but if the court shall adjudge the return of the property to the defendant or to some third party, the officer making the seizure shall not be liable for any costs or damages, unless the court shall find that said seizure was made maliciously and that said officer did not have probable cause to believe said property was contraband. If the court shall find that said seized property is contraband, he shall order it turned over to the supervisor of liquor control to be sold by him and the proceeds to be paid into the general revenue fund of the state. 2. Appeals shall be allowed from the judgment of the court as in other civil actions. 3. If no suit is filed within sixty days after the seizure of such property, the officer seizing said property shall turn it over to the supervisor of liquor control to be sold by him and the proceeds of the sale shall be paid into the general revenue fund of the state of Missouri. Whenever any liquor is sold by any officer which does not bear proper stamps of the director of revenue upon the containers, he shall, before selling it, obtain the proper excise stamps from the director of revenue and affix them to the containers of such liquor, and the cost thereof shall be returned to the officer out of the proceeds of the sale. 4. The supervisor of liquor control and his agents and any other officer authorized to make seizures of contraband property under the liquor control act are each hereby authorized and empowered to call upon the prosecuting attorneys of the respective counties and the circuit attorney of the city of St. Louis and the attorney general of the state of Missouri to represent them in any proceeding hereunder, and thereafter it shall be the duty of such prosecuting or circuit attorney or the attorney general to proceed on behalf of the officer making such call according to the provisions of this chapter. ---------- (L. 1949 p. 320 § 4917a)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.860 - Fees and mileage of officers executing search warrants.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.860. Fees and mileage of officers executing search warrants. —All officers whose duty it is to issue or execute search warrants as provided for in this chapter, shall be entitled to the same fees and mileage as such officers are now or may hereafter be entitled to for similar services in the issuance and execution of criminal processes, the same to be taxed and collected as other criminal costs are taxed and collected. ---------- (RSMo 1939 § 4918)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.868 - Fines for violations by manufacturers and distillers to supersede other penalties.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.868. Fines for violations by manufacturers and distillers to supersede other penalties. —1. Notwithstanding the provisions of section 311.070, 311.550, or 311.600, or any other provision within this chapter containing a penalty provision, any person who shall manufacture or distill intoxicating liquor in this state shall be subject only to the penalty provision of subsection 2 of this section with regard only to its manufacturer's or distiller's license rather than the general or specific penalty provisions of the other provisions within this chapter, or any rule or regulation promulgated pursuant thereto. Such manufacturer or distiller shall not be subject to any other form of punishment with regard to its manufacturer's or distiller's license. 2. Any person as defined by subsection 1 of this section violating a provision of law contained in this chapter, or any rule or regulation promulgated pursuant thereto, shall be fined for the first offense, ten thousand dollars; for the second offense, twenty-five thousand dollars; and for the third and subsequent offenses, fifty thousand dollars. ---------- (L. 1984 S.B. 619 § 1, A.L. 1984 S.B. 441 § 1)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.870 - Execution on default by corporation in payment of fine.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.870. Execution on default by corporation in payment of fine. —Whenever any corporation is convicted of any offense under this chapter, and a pecuniary penalty is imposed or an order under this chapter requires payment of a sum of money by a corporation, the court, judge or magistrate, upon its conviction or order, after adjudging payment of such penalties with costs, may order and adjudge that in default of payment of such penalty forthwith such penalty or sum of money shall be levied by execution and sale of the goods and chattels of such corporation. ---------- (RSMo 1939 § 4886, A.L. 1945 p. 1043)

Title: title-xx

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.880 - Violation a misdemeanor — penalty.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.880. Violation a misdemeanor — penalty. —Any person violating any of the provisions of this chapter, except where some penalty is otherwise provided, shall upon conviction thereof be adjudged guilty of a misdemeanor and punished by a fine of not less than fifty dollars, nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and jail sentence. ---------- (RSMo 1939 § 4933)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.915 - Special permit for festivals — limit on shipment in state — excise taxes — duration of permit.

Title XX ALCOHOLIC BEVERAGES Chapter 311 311.915. Special permit for festivals — limit on shipment in state — excise taxes — duration of permit. —A special permit shall be issued to an out-of-state manufacturer of intoxicating liquor who is not licensed in the state of Missouri for participation in festivals, bazaars, or similar events. Registration requirements under section 311.275 shall be waived for such event. The amount of intoxicating liquor shipped in the state under this permit shall not exceed two hundred gallons. Excise taxes shall be paid by the licensed manufacturer that holds a retail license organizing the event in the same manner as if it were produced or purchased by the manufacturer. A permit issued under this section by the division of alcohol and tobacco control shall be valid for no more than seventy-two hours. An applicant shall complete a form provided by the supervisor of alcohol and tobacco control and pay a fee of twenty-five dollars before a special permit shall be issued. ---------- (L. 2016 S.B. 919)

2024 Missouri Revised StatutesTitle XX - Alcoholic BeveragesChapter 311 - Liquor Control LawSection 311.950 - Entertainment facilities, purchase through mobile applications — identification required — rulemaking authority.

Title XX ALCOHOLIC BEVERAGES Chapter 311 *311.950. Entertainment facilities, purchase through mobile applications — identification required — rulemaking authority. —1. Notwithstanding any provision of law to the contrary, entertainment facilities including, but not limited to, arenas and stadiums used primarily for concerts, shows, and sporting events of any kind and entities selling concessions at such facilities that possess all necessary and valid licenses and permits to allow for the sale of alcoholic beverages shall not be prohibited from selling and delivering alcoholic beverages purchased through the use of mobile applications to individuals attending events on the premises of such facilities if the facilities are in compliance with all applicable state laws and regulations regarding the sale of alcoholic beverages. 2. For purposes of this section, the term"mobile application"shall mean a computer program or software designed to be used on hand-held mobile devices such as cellular phones and tablet computers. 3. Any employee of a facility or entity selling concessions at a facility who delivers an alcoholic beverage purchased through a mobile application to an individual shall require the individual to show a valid, government-issued identification document that includes the photograph and birth date of the individual, such as a driver's license, and shall verify that the individual is twenty-one years of age or older before the individual is allowed possession of the alcoholic beverage. 4. The division of alcohol and tobacco control may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void. ---------- (L. 2016 S.B. 994) *Effective 10-14-16, see § 21.250. S.B. 994 was vetoed July 1, 2016. The veto was overridden on September 14, 2016.

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.010 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.010. Definitions. —The following words and phrases when used in this ordinance mean: (1)"Alley"or"alleyway", any street with a roadway of less than twenty feet in width; (2)"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either: (a) A seat designed to be straddled by the operator, and handlebars for steering control, but excluding an electric bicycle; or (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement; (3)"Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls; (4)"Business district", the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway; (5)"Central business (or traffic) district", all streets and portions of streets within the area described by city ordinance as such; (6)"Commercial vehicle", every

vehicle designed, maintained, or used primarily for the transportation of property; (7)"Controlled access highway", every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway; (8)"Crosswalk", (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface; (9)"Curb loading zone", a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials; (10)"Driver", every person who drives or is in actual physical control of a vehicle; (11)"Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes: (a)"Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour; (b)"Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or (c)"Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour; (12)"Freight curb loading zone", a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers); (13)"Highway", the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel; (14)"Intersection", (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; (b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; (15)"Laned roadway", a roadway which is divided into two or more clearly marked lanes for vehicular traffic; (16)"Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors, electric bicycles, and motorized bicycles; (17)"Motorcycle", every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding an electric bicycle and a tractor; (18)"Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, but excluding an electric bicycle; (19)"Official time standard", whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the city; (20)"Official traffic control devices", all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic; (21)"Park"or"parking", the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers; (22)"Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers; (23)"Pedestrian", any person afoot; (24)"Person", every natural person, firm, copartnership, association or corporation; (25)"Police officer", every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations; (26)"Private road"or"driveway", every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons; (27)"Railroad", a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails; (28)"Railroad train", a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars; (29)"Residence district", the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business; (30)"Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other; (31)"Roadway", that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term"roadway"as used herein shall refer to any such roadway separately but not to all such roadways collectively; (32)"Safety zone", the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone; (33)"Sidewalk", that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians; (34)"Stand"or"standing", the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers; (35)"Stop", when required, complete cessation from movement; (36)"Stop"or"stopping", when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal; (37)"Street"or"highway", the entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel."State highway", a highway maintained by the state of Missouri as a part of the state highway system; (38)"Through highway", every highway or portion thereof on which vehicular traffic is given preferential rights-of-way, and at the entrances to which vehicular

traffic from intersecting highways is required by law to yield rights-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this ordinance; (39)"Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel; (40)"Traffic control signal", any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed; (41)"Traffic division", the traffic division of the police department of the city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of the city; (42)"Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons. ---------- (L. 1965 p. 445 § 1, A.L. 1980 H.B. 995 & 1051, A.L. 1988 H.B. 990, A.L. 2020 H.B. 1963, A.L. 2021 S.B. 176)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.015 - Police administration.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.015. Police administration. —There is established in the police department of each city adopting this ordinance a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police. ---------- (L. 1965 p. 445 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.020 - Duty of traffic division.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.020. Duty of traffic division. —The traffic division with such aid as may be rendered by other members of the police department shall enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this ordinance and the traffic ordinances of the city. ---------- (L. 1965 p. 445 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.025 - Records of traffic violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.025. Records of traffic violations. —1. The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period. 2. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms. 3. All such records and reports shall be public records. ---------- (L. 1965 p. 445 § 4)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.030 - Traffic division to investigate accidents.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.030. Traffic division to investigate accidents. —It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. ---------- (L. 1965 p. 445 § 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.035 - Traffic accident studies.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.035. Traffic accident studies. —Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. ---------- (L. 1965 p. 445 § 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.040 - Traffic accident reports.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.040. Traffic accident reports. —The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer. ---------- (L. 1965 p. 445 § 7)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.045 - Driver files to be maintained.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.045. Driver files to be maintained. —The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned. ---------- (L. 1965 p. 445 § 8)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.050 - Traffic division to submit annual traffic safety report.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.050. Traffic division to submit annual traffic safety report. —The traffic division shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters in the city as follows: (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data; (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police; (3) The plans and recommendations of the division for future traffic safety activities. ---------- (L. 1965 p. 445 § 9)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.055 - Traffic division to designate method of identifying funeral processions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.055. Traffic division to designate method of identifying funeral processions. —The traffic division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions. ---------- (L. 1965 p. 445 § 10)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.060 - City traffic engineer.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.060. City traffic engineer. —1. The office of city traffic engineer is established. The city engineer or other designated city official shall serve as city traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this ordinance. 2. The city traffic engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the city, and cooperate with other city officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the city. ---------- (L. 1965 p. 445 § 11)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.065 - Emergency and experimental regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.065. Emergency and experimental regulations. —1. The chief of police by and with the approval of the city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety days. 2. The city traffic engineer may test traffic control devices under actual conditions of traffic. ---------- (L. 1965 p. 445 § 12)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.070 - Traffic commission established — powers and duties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.070. Traffic commission established — powers and duties. —1. There is established a traffic commission to serve without compensation, consisting of the city traffic engineer, the chief of police or in his discretion as his representative the chief of the traffic division, the chairman of the city council traffic committee, and one representative each from the city engineer's office and the city attorney's office and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the mayor. The chairman of the commission shall be appointed by the mayor and may be removed by him. 2. It shall be the duty of the traffic commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of the city and to the city traffic engineer, the chief of the traffic division, and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. ---------- (L. 1965 p. 445 § 13)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.075 - Authority of police and fire department officials.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.075. Authority of police and fire department officials. —1. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all traffic laws of the city and all of the state vehicle laws applicable to traffic in the city. 2. Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws. 3. Officers of the fire department, when at the scene of an incident, may direct or assist the police in directing traffic thereat or in the immediate vicinity. ---------- (L. 1965 p. 445 § 14, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.080 - Obedience to police and fire department officials.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.080. Obedience to police and fire department officials. —No person shall knowingly fail or refuse to comply with any lawful order or direction of a police officer or fire department official. ---------- (L. 1965 p. 445 § 16, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.085 - Persons propelling push carts or riding animals to obey traffic regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.085. Persons propelling push carts or riding animals to obey traffic regulations. —Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application. ---------- (L. 1965 p. 445 § 17)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.090 - Use of coasters, roller skates and similar devices restricted.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.090. Use of coasters, roller skates and similar devices restricted. —No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of the city. ---------- (L. 1965 p. 445 § 18)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.095 - Public employees to obey traffic regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.095. Public employees to obey traffic regulations. —The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance. ---------- (L. 1965 p. 445 § 19)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.100 - Authorized emergency vehicles — permitted acts of drivers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.100. Authorized emergency vehicles — permitted acts of drivers. —1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated. 2. The driver of an authorized emergency vehicle may: (1) Park or stand, irrespective of the provisions of this ordinance; (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation; (3) Exceed the maximum speed limits so long as he does not endanger life or property; (4) Disregard regulations governing direction of movement or turning in specified directions. 3. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by siren or while having at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175. 4. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. ---------- (L. 1965 p. 445 § 20, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.105 - Operation of vehicles on approach of authorized emergency vehicles.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.105. Operation of vehicles on approach of authorized emergency vehicles. —1. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an

audible signal only the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. 2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. ---------- (L. 1965 p. 445 § 21, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.110 - Immediate notice of accident within city.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.110. Immediate notice of accident within city. —The driver of a vehicle involved in an accident within the city resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars or more to one person shall give, or cause to be given, notice of such accident to the police department as soon as reasonably possible. ---------- (L. 1965 p. 445 § 22, A.L. 1979 H.B. 167, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.115 - Written report of accident.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.115. Written report of accident. —The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars or more to one person shall, within five days after such accident, forward a written report of such accident to the police department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat. ---------- (L. 1965 p. 445 § 23, A.L. 1979 H.B. 167)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.120 - When driver unable to report.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.120. When driver unable to report. —1. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in section 300.110 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver. 2. Whenever the driver is physically incapable of making a written report of an accident as required in section 300.115 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after the accident make such report not made by the driver. ---------- (L. 1965 p. 445 § 24)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.130 - Authority to install traffic control devices.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.130. Authority to install traffic control devices. —The city traffic engineer shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances of the city to make effective the provisions of said ordinances, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the traffic ordinances of the city or under state law or to guide or warn traffic. ---------- (L. 1965 p. 445 § 26)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.135 - Manual and specifications for traffic control devices.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.135. Manual and specifications for traffic control devices. —All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state highways and transportation commission or resolution adopted by the legislative body of the city. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of this ordinance shall be official traffic control devices. ---------- (L. 1965 p. 445 § 27)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.140 - Obedience to traffic control devices.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.140. Obedience to traffic control devices. —The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance. ---------- (L. 1965 p. 445 § 28)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.145 - When official traffic control devices required for enforcement purposes.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.145. When official traffic control devices required for enforcement purposes. —No provision of this ordinance for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place. ---------- (L. 1965 p. 445 § 29)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.150 - Official traffic control devices — presumption of legality.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.150. Official traffic control devices — presumption of legality. —1. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence. 2. Any official traffic control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence. ---------- (L. 1965 p. 445 § 30)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.155 - Traffic control signal legend — right turn on red light, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.155. Traffic control signal legend — right turn on red light, when. —Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows: (1) Green indication (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited; (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; (c) Unless otherwise directed by a pedestrian control signal as provided in section 300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. (2) Steady yellow indication (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection; (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section 300.160, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway. (3) Steady red indication (a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this subdivision; (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof; (c) Unless otherwise directed by a pedestrian control signal as provided in section 300.160, pedestrians facing a steady red signal alone shall not enter the roadway. (4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. ---------- (L. 1965 p. 445 § 31, A.L. 1973 1st Ex. Sess. H.B. 26) Effective 2-28-74

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.160 - Pedestrian control signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.160. Pedestrian control signals. —Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk", or appropriate symbols, are in place, such signals shall indicate as follows: (1)"Walk", pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; (2)"Wait"or"Don't Walk", no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing. ---------- (L. 1965 p. 445 § 32, A.L. 2002 H.B. 1270 and H.B. 2032)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.165 - Flashing signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.165. Flashing signals. —1. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows: (1) Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; (2) Flashing yellow (caution signal), when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. 2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 300.295 of this ordinance. ---------- (L. 1965 p. 445 § 33)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.170 - Lane direction control signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.170. Lane direction control signals. —When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. ---------- (L. 1965 p. 445 § 34)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.175 - Display of unauthorized signs, signals or markings.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.175. Display of unauthorized signs, signals or markings. —No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. ---------- (L. 1965 p. 445 § 35)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.180 - Interference with official traffic control devices or railroad signs or signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.180. Interference with official traffic control devices or railroad signs or signals. —No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. ---------- (L. 1965 p. 445 § 36)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.185 - Authority to establish play streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.185. Authority to establish play streets. —The city traffic engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. ---------- (L. 1965 p. 445 § 37)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.190 - Play streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.190. Play streets. —Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof. ---------- (L. 1965 p. 445 § 38)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.195 - City traffic engineer to designate crosswalks and establish safety zones.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.195. City traffic engineer to designate crosswalks and establish safety zones. —The city traffic engineer is hereby authorized (1) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary; (2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. ---------- (L. 1965 p. 445 § 39)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.200 - Traffic lanes.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.200. Traffic lanes. —1. The city traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. 2. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making*a lawful turning movement. ---------- (L. 1965 p. 445 § 40) *Word "marking" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.205 - State speed laws applicable.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.205. State speed laws applicable. —The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except that the city may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof, but no city ordinance shall regulate the speed of vehicles upon controlled access highways of the state. ---------- (L. 1965 p. 445 § 41)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.210 - Regulation of speed by traffic signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.210. Regulation of speed by traffic signals. —The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. ---------- (L. 1965 p. 445 § 42)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.215 - Required position and method of turning at intersection.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.215. Required position and method of turning at intersection. —The driver of a vehicle intending to turn at an intersection shall do so as follows: (1) Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established. (2) Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (3) Left turns on other than two-road roadways: At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established. (4) Designated two-way left turn lanes: Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices: (a) A left turn shall not be made from any other lane; (b) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a u-turn when otherwise permitted by law; (c) A vehicle shall not be driven in the lane for a distance more than five hundred feet. ---------- (L. 1965 p. 445 § 43, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.220 - Authority to place and obedience to turning markers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.220. Authority to place and obedience to turning markers. —1. The city traffic engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance. 2. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. ---------- (L. 1965 p. 445 § 44)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.225 - Authority to place restricted turn signs.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.225. Authority to place restricted turn signs. —The city traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. ---------- (L. 1965 p. 445 § 45)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.230 - Obedience to no-turn signs.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.230. Obedience to no-turn signs. —Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. ---------- (L. 1965 p. 445 § 46)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.235 - Limitations on turning around.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.235. Limitations on turning around. —The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic. ---------- (L. 1965 p. 445 § 47)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.240 - Authority to sign one-way streets and alleys.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.240. Authority to sign one-way streets and alleys. —Whenever any ordinance of the city designates any one-way street or alley the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. ---------- (L. 1965 p. 445 § 48)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.245 - One-way streets and alleys.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.245. One-way streets and alleys. —Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. ---------- (L. 1965 p. 445 § 49)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.250 - Authority to restrict direction of movement on streets during certain periods.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.250. Authority to restrict direction of movement on streets during certain periods. —1. The city traffic engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway. 2. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section. ---------- (L. 1965 p. 445 § 50)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.255 - Through streets designated.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.255. Through streets designated. —Those streets and parts of streets described by ordinances of the city are declared to be through streets for the purposes of sections 300.255 to 300.295. ---------- (L. 1965 p. 445 § 51)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.260 - Signs required at through streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.260. Signs required at through streets. —Whenever any ordinance of the city designates and describes a through street it shall be the duty of the city traffic engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the city traffic

engineer upon the basis of an engineering and traffic study. ---------- (L. 1965 p. 445 § 52)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.265 - Other intersections where stop or yield required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.265. Other intersections where stop or yield required. —The city traffic engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in subsection 1 of section 300.280, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required. ---------- (L. 1965 p. 445 § 53)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.270 - Stop and yield signs.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.270. Stop and yield signs. —1. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. 2. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. ---------- (L. 1965 p. 445 § 54)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.275 - Vehicle entering stop intersection.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.275. Vehicle entering stop intersection. —Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection 2 of section 300.270, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection. ---------- (L. 1965 p. 445 § 55)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.280 - Vehicle entering yield intersection.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.280. Vehicle entering yield intersection. —The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way. ---------- (L. 1965 p. 445 § 56)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.285 - Emerging from alley, driveway or building.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.285. Emerging from alley, driveway or building. —The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway. ---------- (L. 1965 p. 445 § 58)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.290 - Stop when traffic obstructed.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.290. Stop when traffic obstructed. —No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. ---------- (L. 1965 p. 445 § 59)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.295 - Obedience to signal indicating approach of train.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.295. Obedience to signal indicating approach

of train. —1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when: (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train; (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; (3) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing. 2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. ---------- (L. 1965 p. 445 § 60)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.300 - Following emergency vehicle prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.300. Following emergency vehicle prohibited. —The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. ---------- (L. 1965 p. 445 § 61, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.305 - Crossing fire hose.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.305. Crossing fire hose. —No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command. ---------- (L. 1965 p. 445 § 62)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.310 - Driving through funeral or other procession.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.310. Driving through funeral or other procession. —No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. ---------- (L. 1965 p. 445 § 63)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.315 - Driving in procession.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.315. Driving in procession. —Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. ---------- (L. 1965 p. 445 § 64)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.325 - When permits required for parades and processions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.325. When permits required for parades and processions. —No funeral, procession or parade containing two hundred or more persons or fifty or more vehicles except the forces of the United States Army or Navy, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. ---------- (L. 1965 p. 445 § 66)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.330 - Vehicle shall not be driven on a sidewalk — prohibition on obstruction of bicycle lanes — drivers to yield to bicycles in designated bicycle lanes.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.330. Vehicle shall not be driven on a sidewalk — prohibition on obstruction of bicycle lanes — drivers to yield to bicycles in designated bicycle lanes. —The driver of a motor vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this section, the term"designated bicycle lane"shall mean a portion of the roadway or highway that*has been designated by the governing body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles. ---------- (L. 1965 p. 445 § 67, A.L. 2005 H.B. 487 merged with S.B. 372) *Word "which" appears in original rolls of H.B. 487, 2005.

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.335 - Limitations on backing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.335. Limitations on backing. —The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. ---------- (L. 1965 p. 445 § 68)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.340 - Opening and closing vehicle doors.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.340. Opening and closing vehicle doors. —No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. ---------- (L. 1965 p. 445 § 69)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.345 - Riding on motorcycles, additional passenger, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.345. Riding on motorcycles, additional passenger, requirements. —1. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator. 2. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger seat and footrests for the use of a passenger. ---------- (L. 1965 p. 445 § 70, A.L. 1980 H.B. 995 & 1051) Effective 6-20-80

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.347 - Riding bicycle on sidewalks, limitations — motorized bicycles prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.347. Riding bicycle on sidewalks, limitations — motorized bicycles prohibited. —1. No person shall ride a bicycle upon a sidewalk within a business district. 2. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. 3. No person shall ride a motorized bicycle upon a sidewalk. ---------- (L. 1965 p. 445 § 109, A.L. 1980 H.B. 995 & 1051) Effective 6-20-80

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.348 - All-terrain vehicles, prohibited — exceptions, operation of all-terrain vehicles under an exception — prohibited uses — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.348. All-terrain vehicles, prohibited — exceptions, operation of all-terrain vehicles under an exception — prohibited uses — penalty. —1. No person shall operate an all-terrain vehicle, as defined in section 300.010, upon the streets and highways of this city, except as follows: (1) All-terrain vehicles owned and operated by a governmental entity for official use; (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation; (3) All-terrain vehicles whose operators carry a special permit issued by this city pursuant to section 304.013. 2. No person shall operate an off-road vehicle, as defined in section 304.001, within any stream or river in this city, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions shall enforce the provisions of this subsection within the geographic area of their jurisdiction. 3. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this section shall have a valid license issued by a state authorizing such person to operate a motor vehicle, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. 4. No person shall operate an all-terrain vehicle: (1) In any careless way so as to endanger the person or property of another; (2) While under the influence of alcohol or any controlled substance; or (3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age. 5. No operator of an all-terrain vehicle shall

carry a passenger, except for agricultural purposes. 6. A violation of this section shall be a class C misdemeanor. ---------- (L. 1988 H.B. 990, A.L. 1990 H.B. 1279, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.350 - Riding bicycles, sleds, roller skates, by attaching to another vehicle, prohibited — pulling a rider behind vehicle prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.350. Riding bicycles, sleds, roller skates, by attaching to another vehicle, prohibited — pulling a rider behind vehicle prohibited. —No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle. ---------- (L. 1965 p. 445 § 71, A.L. 1980 H.B. 995 & 1051, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.355 - Controlled access.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.355. Controlled access. —No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority. ---------- (L. 1965 p. 445 § 72)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.360 - Railroad trains not to block streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.360. Railroad trains not to block streets. —It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes; provided that this section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely. ---------- (L. 1965 p. 445 § 75)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.365 - Driving through safety zone prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.365. Driving through safety zone prohibited. —No vehicle shall at any time be driven through or within a safety zone. ---------- (L. 1965 p. 445 § 79)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.370 - Pedestrians subject to traffic control devices.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.370. Pedestrians subject to traffic control devices. —Pedestrians shall be subject to traffic control signals as heretofore declared in sections 300.155 and 300.160 of this ordinance, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in sections 300.370 to 300.410. ---------- (L. 1965 p. 445 § 81)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.375 - Pedestrians' right-of-way in crosswalks.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.375. Pedestrians' right-of-way in crosswalks. —1. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. 2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. 3. Subsection 1 shall not apply under the conditions stated in subsection 2 of section 300.390. 4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. ---------- (L. 1965 p. 445 § 82)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.380 - Pedestrians to use right half of crosswalks.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.380. Pedestrians to use right half of crosswalks. —Pedestrians shall move, whenever practicable, upon the right half of crosswalks. ---------- (L. 1965 p. 445 § 83)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.385 - Crossing at right angles.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.385. Crossing at right angles. —No

pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. ---------- (L. 1965 p. 445 § 84)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.390 - When pedestrian shall yield.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.390. When pedestrian shall yield. —1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. 2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. 3. The foregoing rules in this section have no application under the conditions stated in section 300.395 when pedestrians are prohibited from crossing at certain designated places. ---------- (L. 1965 p. 445 § 85)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.395 - Prohibited crossing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.395. Prohibited crossing. —1. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk. 2. No pedestrian shall cross a roadway other than in a crosswalk in any business district. 3. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance. 4. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements. ---------- (L. 1965 p. 445 § 86)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.400 - Obedience of pedestrians to bridge and railroad signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.400. Obedience of pedestrians to bridge and railroad signals. —1. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given. 2. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. ---------- (L. 1965 p. 445 § 87)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.405 - Pedestrians walking along roadways.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.405. Pedestrians walking along roadways. —1. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. 2. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. ---------- (L. 1965 p. 445 § 88)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.410 - Drivers to exercise highest degree of care.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.410. Drivers to exercise highest degree of care. —Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. ---------- (L. 1965 p. 445 § 90)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.411 - Distance to be maintained when overtaking a bicycle.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.411. Distance to be maintained when overtaking a bicycle. —The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in section 300.010, shall leave a safe distance when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle. ---------- (L. 2005 H.B. 487 merged with S.B. 372)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.415 - Standing or parking close to curb.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.415. Standing or parking close to curb. —Except as otherwise provided in sections 300.415 to 300.435, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. ---------- (L. 1965 p. 445 § 112)

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.420 - Signs or markings indicating angle parking.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.420. Signs or markings indicating angle parking. —1. The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or state highway within the city unless the state highways and transportation commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. 2. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any streetcar tracks. ---------- (L. 1965 p. 445 § 113)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.425 - Obedience to angle parking signs or markers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.425. Obedience to angle parking signs or markers. —On those streets which have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. ---------- (L. 1965 p. 445 § 114)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.430 - Permits for loading or unloading at an angle to the curb.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.430. Permits for loading or unloading at an angle to the curb. —1. The city traffic engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. 2. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. ---------- (L. 1965 p. 445 § 115)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.435 - Lamps on parked vehicles.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.435. Lamps on parked vehicles. —1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle. 2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor driven cycle. 3. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. ---------- (L. 1965 p. 445 § 116)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.440 - Stopping, standing or parking prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.440. Stopping, standing or parking prohibited. —1. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall: (1) Stop, stand or park a vehicle: (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street; (b) On a sidewalk; (c) Within an intersection; (d) On a crosswalk; (e) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings; (f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic; (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel; (h) On any railroad tracks; (i) At any place where official signs prohibit stopping. (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers: (a) In front of a public or private driveway; (b) Within fifteen feet of a fire hydrant; (c) Within twenty feet of a crosswalk at an intersection; (d) Within thirty feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway; (e) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within

seventy-five feet of said entrance (when properly signposted); (f) At any place where official signs prohibit standing. (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers: (a) Within fifty feet of the nearest rail of a railroad crossing; (b) At any place where official signs prohibit parking. 2. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful. ---------- (L. 1965 p. 445 § 117)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.445 - Parking not to obstruct traffic.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.445. Parking not to obstruct traffic. —No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. ---------- (L. 1965 p. 445 § 118)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.450 - Parking in alleys.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.450. Parking in alleys. —No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. ---------- (L. 1965 p. 445 § 119)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.455 - Parking for certain purposes prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.455. Parking for certain purposes prohibited. —No person shall park a vehicle upon any roadway for the principal purpose of: (1) Displaying such vehicle for sale; or (2) Repair such vehicle except repairs necessitated by an emergency. ---------- (L. 1965 p. 445 § 121)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.460 - Parking adjacent to schools.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.460. Parking adjacent to schools. —1. The city traffic engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. 2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. ---------- (L. 1965 p. 445 § 122)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.465 - Parking prohibited on narrow streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.465. Parking prohibited on narrow streets. —1. The city traffic engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet. 2. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. ---------- (L. 1965 p. 445 § 123)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.470 - Standing or parking on one-way streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.470. Standing or parking on one-way streets. —The city traffic engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign. ---------- (L. 1965 p. 445 § 124)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.475 - Standing or parking on one-way roadways.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.475. Standing or parking on one-way roadways. —In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. ---------- (L. 1965 p. 445 § 125)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.480 - No stopping, standing or parking near hazardous or congested places.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.480. No stopping, standing or parking near hazardous or congested places. —1. The city traffic engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. 2. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place. ---------- (L. 1965 p. 445 § 126)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.485 - City traffic engineer to designate curb loading zones.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.485. City traffic engineer to designate curb loading zones. —The city traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. ---------- (L. 1965 p. 445 § 127)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.490 - Permits for curb loading zones.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.490. Permits for curb loading zones. —The city traffic engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two signs to indicate the ends of each such zone. The city traffic engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the city treasury a service fee of ten dollars per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the city for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year. ---------- (L. 1965 p. 445 § 128)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.495 - Standing in passenger curb loading zone.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.495. Standing in passenger curb loading zone. —No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes. ---------- (L. 1965 p. 445 § 129)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.500 - Standing in freight curb loading zones.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.500. Standing in freight curb loading zones. —No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. ---------- (L. 1965 p. 445 § 130)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.505 - City traffic engineer to designate public carrier stops and stands.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.505. City traffic engineer to designate public carrier stops and stands. —The city traffic engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs. ---------- (L. 1965 p. 445 § 131)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.510 - Stopping, standing and parking of buses and taxicabs regulated.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.510. Stopping, standing and parking of buses and taxicabs regulated. —1. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein. 2. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency. 3. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic. 4. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. ---------- (L. 1965 p. 445 § 132)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.515 - Restricted use of bus and taxicab stands.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.515. Restricted use of bus and taxicab stands. —No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. ---------- (L. 1965 p. 445 § 133)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.520 - Application of ordinance.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.520. Application of ordinance. —The provisions of this ordinance prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. ---------- (L. 1965 p. 445 § 134)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.525 - Regulations not exclusive.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.525. Regulations not exclusive. —The provisions of this ordinance imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times. ---------- (L. 1965 p. 445 § 135)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.530 - Parking prohibited at all times on certain streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.530. Parking prohibited at all times on certain streets. —When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance. ---------- (L. 1965 p. 445 § 136)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.535 - Parking prohibited during certain hours on certain streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.535. Parking prohibited during certain hours on certain streets. —When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the district or upon any of the streets described by ordinance. ---------- (L. 1965 p. 445 § 137)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.540 - Stopping, standing or parking prohibited during certain hours on certain streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.540. Stopping, standing or parking prohibited during certain hours on certain streets. —When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance. ---------- (L. 1965 p. 445 § 138)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.545 - Parking signs required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.545. Parking signs required. —Whenever by this ordinance or any ordinance of the city any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense. ---------- (L. 1965 p. 445 § 140)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.550 - Commercial vehicles prohibited from using certain streets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.550. Commercial vehicles prohibited from using certain streets. —In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon. ---------- (L. 1965 p. 445 § 141)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.555 - When person charged may elect to appear at bureau.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.555. When person charged may elect to appear at bureau. —1. Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau shall have the option of paying such fine within the time specified in the notice of arrest at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law. 2. The payment of a fine to the bureau shall be deemed an acknowledgment of conviction of the alleged offense, and the bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof. ---------- (L. 1965 p. 445 § 144)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.560 - Duties of traffic violations bureau.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.560. Duties of traffic violations bureau. —The following duties are hereby imposed upon the traffic violations bureau in reference to traffic offenses: (1) It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance, and give power of attorney; (2) It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present. ---------- (L. 1965 p. 445 § 145)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.565 - Traffic violations bureau to keep records.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.565. Traffic violations bureau to keep records. —The traffic violations bureau shall keep records and submit to the judges hearing violations of municipal ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the city and of all the fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records. ---------- (L. 1965 p. 445 § 146, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.570 - Additional duties of traffic violations bureau.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.570. Additional duties of traffic violations bureau. —The traffic violations bureau shall follow such procedure as may be prescribed by the traffic ordinances of the city or as may be required by any laws of this state. ---------- (L. 1965 p. 445 § 147)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.575 - Forms and records of traffic citations and arrests.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.575. Forms and records of traffic citations and arrests. —1. The municipality shall provide books containing uniform traffic tickets as prescribed by supreme court rule no. 37.46. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by supreme court rule. 2. Such books shall be issued to the chief of police or his duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing municipal ordinance violation cases may require that a copy of such record and receipts be filed with the court. 3. The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein. ---------- (L. 1965 p. 445 § 150, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.580 - Procedure of police officers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.580. Procedure of police officers. —Except when authorized or directed under state law to immediately take a person before the municipal judge for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall issue to him a uniform traffic ticket which shall be proceeded upon in accordance with supreme court rule no. 37. ---------- (L. 1965 p. 445 § 151, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.585 - Uniform traffic ticket to be issued when vehicle illegally parked or stopped.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.585. Uniform traffic ticket to be issued when vehicle illegally parked or stopped. —Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a uniform traffic ticket or other citation for the driver to answer to the charge against him within seven days during the hours and at a place specified in the traffic ticket. ---------- (L. 1965 p. 445 § 153, A.L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.590 - Warning of arrest sent upon failure to appear.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.590. Warning of arrest sent upon failure to appear. —If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform traffic ticket affixed to such motor vehicle within a period of five days, the traffic violations bureau shall send to the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. ---------- (L. 1965 p. 445 § 154)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 300 - Model Traffic OrdinanceSection 300.600 - Cities may adopt ordinance by reference.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 300 300.600. Cities may adopt ordinance by reference. —This ordinance or any designated part thereof shall become effective in any city of the state upon the adoption thereof by the legislative body of the city by an ordinance appropriately describing this ordinance or the part thereof adopted. Upon such adoption by the city all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance. ---------- (L. 1965 p. 445 § 157)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.002 - Rules, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.002. Rules, procedure. —No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. ---------- (L. 1986 H.B. 1367 & 1573 § 2, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.003 - Rules, effective, when — rules invalid and void, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.003. Rules, effective, when — rules invalid and void, when. —Any rule or portion of a rule promulgated pursuant to this bill*shall become effective only as provided pursuant to chapter 536 including but not limited to section 536.028, if applicable, after July 1, 1997. All rulemaking authority delegated prior to July 1, 1997, is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void. ---------- (L. 1997 H.B. 207 § 2) Effective 7-01-97 *"This bill" (H.B. 207, 1997) contained numerous sections. Consult Disposition of Sections table for a definitive listing.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.010 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.010. Definitions. —As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean: (1)"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either: (a) A seat designed to be straddled by the operator, and handlebars for steering control, but excluding an electric bicycle; or (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement; (2)"Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards; (3)"Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units; (4)"Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle; (5)"Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route; (6)"Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;

(7)"Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting; (8)"Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses; (9)"Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses; (10)"Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return; (11)"Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers; (12)"Director"or"director of revenue", the director of the department of revenue; (13)"Driveaway operation": (a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale; (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or (c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor; (14)"Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer; (15)"Electric bicycle", a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that meets the requirements of one of the following three classes: (a)"Class 1 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour; (b)"Class 2 electric bicycle", an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or (c)"Class 3 electric bicycle", an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour; (16)"Farm tractor", a tractor used exclusively for agricultural purposes; (17)"Fleet", any group of ten or more motor vehicles owned by the same owner; (18)"Fleet vehicle", a motor vehicle which is included as part of a fleet; (19)"Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination; (20)"Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon; (21)"Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail; (22)"Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality; (23)"Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface; (24)"Intersecting highway", any highway which joins another, whether or not it crosses the same; (25)"Junk vehicle", a vehicle which: (a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or (b) Has been designated as junk or a substantially equivalent designation by this state or any other state; (26)"Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin; (27)"Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to: (a) An area that extends not more than a radius of one hundred fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or (b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. --Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle; (28)"Local commercial motor vehicle", a commercial motor vehicle whose operations are confined to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm; (29)"Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state; used exclusively in this state; used to transport harvested forest products; operated solely at a forested site and in an area extending not more than a one hundred fifty mile radius from such site; and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site with an extended distance local log truck permit, does not have more than four axles, and does not pull a trailer which has more than three axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local log truck; (30)"Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state; used exclusively in this state; used to transport harvested forest products, operated at a forested site and in an area extending not more than a one hundred fifty mile radius from such site; and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred fifty mile radius from such site with an extended

distance local log truck permit, does not have more than three axles and does not pull a trailer which has more than three axles; (31)"Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone; (32)"Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products; (33)"Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations; (34)"Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale; (35)"Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number; (36)"Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and electric bicycles; (37)"Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds: (a) Offered for hire or lease; or (b) The owner of which also owns ten or more such motor vehicles; (38)"Motorcycle", a motor vehicle operated on two wheels; (39)"Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, but excluding an electric bicycle; (40)"Motortricycle", a motor vehicle upon which the operator straddles or sits astride that is designed to be controlled by handle bars and is operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, but excluding an electric bicycle. A motortricycle shall not be included in the definition of all-terrain vehicle; (41)"Municipality", any city, town or village, whether incorporated or not; (42)"Nonresident", a resident of a state or country other than the state of Missouri; (43)"Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards; (44)"Operator", any person who operates or drives a motor vehicle; (45)"Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or who has executed a buyer's order or retail installment sales contract with a motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle with an immediate right of possession vested in the transferee, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner; (46)"Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business; (47)"Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property; (48)"Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles; (49)"Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered; (50)"Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails; (51)"Recreational trailer", any trailer designed, constructed, or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or attached to a unit which is securely attached to a motor vehicle; (52)"Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service; (53)"Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The"saddle"is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a"double saddlemount combination". When three vehicles are towed in this manner, the combination is called a"triple saddlemount combination"; (54)"Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories; (55)"Salvage vehicle", a motor vehicle, semitrailer, or house trailer which: (a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged; (b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it; (c) Has been declared salvage by an insurance company as a result of settlement of a claim; (d) Ownership of which is evidenced by a salvage title; or (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with

the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition,"fair market value"means the retail value of a motor vehicle as: a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles; b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner; (56)"School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes; (57)"Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling; (58)"Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles; (59)"Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section; (60)"Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles; (61)"Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit; (62)"Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart; (63)"Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributer, or dealer of such trailers or semitrailers; (64)"Tractor","truck tractor"or"truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof; (65)"Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers as defined in this section and shall not include manufactured homes as defined in section 700.010; (66)"Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination; (67)"Truck", a motor vehicle designed, used, or maintained for the transportation of property; (68)"Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination; (69)"Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue; (70)"Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three days; (71)"Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than eighty inches in width, measured from outside of tire rim to outside of tire rim, with an unladen dry weight of three thousand five hundred pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes; (72)"Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement; (73)"Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons; (74)"Wrecker"or"tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle; (75)"Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback

or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain. ---------- (RSMo 1939 § 8367, A.L. 1945 p. 1194, A. 1949 S.B. 1110, A.L. 1951 p. 695, A.L. 1969 H.B. 436, A.L. 1974 H.B. 883, A.L. 1979 H.B. 342, S.B. 108, A.L. 1980 H.B. 995 & 1051, A.L. 1983 H.B. 539, A.L. 1983 H.B. 149, et al., A.L. 1985 S.B. 209, S.B. 152, A.L. 1986 H.B. 1367 & 1573, A.L. 1986 H.B. 1067 & 1299 merged with H.B. 1153, A.L. 1987 S.B. 3, A.L. 1988 H.B. 990, H.B. 1581, A.L. 1989 H.B. 616, Revision, A.L. 1992 H.B. 1794, A.L. 1993 S.B. 105, A.L. 1995 S.B. 70, A.L. 1996 S.B. 560, A.L. 1997 H.B. 381, A.L. 1998 H.B. 1511, A.L. 2000 H.B. 1142 merged with H.B. 1948, A.L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489 merged with H.B. 1284 merged with S.B. 757 merged with S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2007 S.B. 82, A.L. 2008 S.B. 930 & 947, A.L. 2009 H.B. 683, A.L. 2012 H.B. 1251 merged with H.B. 1402 merged with H.B. 1647 merged with H.B. 1807, et al. merged with S.B. 470 merged with S.B. 480, A.L. 2014 H.B. 1735 & 1618, A.L. 2015 H.B. 686, A.L. 2016 H.B. 2380, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2018 S.B. 881, A.L. 2019 H.B. 499, A.L. 2020 H.B. 1963, A.L. 2021 S.B. 176, A.L. 2022 1st Ex. Sess. H.B. 3) Prior revisions: 1929 §§ 7759, 7761; 1919 § 7551; 1909 § 8502 Effective 1-02-23

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.020 - Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation — donation to organ donor program or Missouri medal of honor recipients fund permitted.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.020. Application for registration of motor vehicles, contents — certain vehicles, special provisions — penalty for failure to comply — optional blindness assistance donation — donation to organ donor program or Missouri medal of honor recipients fund permitted. —1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing: (1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010; (2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer; (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer. 2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This section shall not apply unless: (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and (2) The certificate was issued pursuant to a manufacturer's statement of origin. 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is ten years of age or less and has less than one hundred fifty thousand miles on the odometer, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of ten years after the receipt of such information. This subsection shall not apply unless: (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and (2) The certificate was issued pursuant to a manufacturer's statement of origin. 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle. 5. Every insurance company that pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of

ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such owner, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment. 6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor. 7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection. 8. An applicant for registration may make a donation of an amount not less than one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making a contribution not less than one dollar as prescribed in this subsection. 9. An applicant for registration may make a donation of one dollar to the Missouri medal of honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri medal of honor recipients fund as established in section 226.925. Moneys in the medal of honor recipients fund shall be used solely for the purposes established in section 226.925, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection. ---------- (RSMo 1939 § 8369, A.L. 1943 p. 663, A.L. 1945 p. 1194, A. 1949 S.B. 1110, A.L. 1957 p. 637, A.L. 1969 S.B. 242, A.L. 1985 H.B. 280, et al., A.L. 1986 H.B. 1367 & 1573, A.L. 1988 H.B. 990, A.L. 1988 H.B. 1581, A.L. 1989 H.B. 211, A.L. 1997 S.B. 361, A.L. 2000 S.B. 721, A.L. 2003 S.B. 355, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487 merged with S.B. 488, A.L. 2007 S.B. 82, A.L. 2014 H.B. 1299 Revision, A.L. 2018 S.B. 881, A.L. 2019 S.B. 89, A.L. 2021 S.B. 258, A.L. 2022 H.B. 2331 merged with S.B. 710) Prior revisions: 1929 § 7761; 1919 § 7553; 1909 § 8503 CROSS REFERENCE: Missouri medal of honor recipients fund created, use of moneys, 226.925

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.025 - Personal property taxes and federal heavy vehicle use tax, paid when — tax receipt forms — failure to pay personal property tax, effect of, notification requirements, reinstatement fee, appeals — rulemaking, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.025. Personal property taxes and federal heavy vehicle use tax, paid when — tax receipt forms — failure to pay personal property tax, effect of, notification requirements, reinstatement fee, appeals — rulemaking, procedure. —1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county collector or collector-treasurer of the county in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant, or a statement certified by the county or township collector for such previous year that no such taxes were assessed or due and, the applicant has no unpaid taxes on the collector's tax roll for any subsequent year or, if the applicant is not a resident of this state and serving in the Armed Forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status or, if the applicant is an organization described pursuant to subdivision (5) of section 137.100 or subsection 1 of section 137.101, the application is accompanied by a document, in a form approved by the director, verifying that the organization is registered with the department of revenue or is determined by the Internal Revenue Service to be a tax-exempt entity. If the director of the department of revenue has been notified by the assessor pursuant to subsection 2 of section 137.101, that the applicant's personal property is not tax exempt, then the organization's application shall be accompanied by a statement certified by the county collector or collector-treasurer of the county in which the organization's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the organization. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due. The county collector or collector-treasurer shall not be required to issue a receipt or certified statement that taxes were not assessed or due for the immediately preceding tax year until all personal property taxes, including all current and delinquent taxes, are paid. If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector

or collector-treasurer in the county of residence proof that the personal property tax was paid in the applicable tax years. Every county collector and collector-treasurer shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. If electronic data is not available, residents of counties with a township form of government and with collector-treasurers shall present personal property tax receipts which have been paid for the preceding two years when registering under this section. 2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year may use the personal property tax receipt of the prior year as proof of payment. 3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury. 4. Beginning July 1, 2000, a county collector or collector-treasurer may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector or collector-treasurer by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector or collector-treasurer may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county collector or collector-treasurer that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536 for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require. 5. Beginning July 1, 2005, a city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county may notify, by ordinary mail, any owner of a motor vehicle who is delinquent in payment of vehicle-related fees and fines that if full payment is not received within thirty days, the city not within a county or any home rule city with more than four

hundred thousand inhabitants and located in more than one county may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. If the vehicle-related fees and fines are assessed against a car that is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time the fees or fines are assessed, the rental or leasing company may rebut the presumption by providing the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county with a copy of the rental or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing company shall not be charged for fees or fines under this subsection, nor shall the registration of a vehicle be suspended, unless prior written notice of the fees or fines has been given to that rental or leasing company by ordinary mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice. Any notification to a rental or leasing company that is returned to the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. For the purpose of this section,"vehicle-related fees and fines"includes, but is not limited to, traffic violation fines, parking violation fines, vehicle towing, storage and immobilization fees, and any late payment penalties, other fees, and court costs associated with the adjudication or collection of those fines. 6. If after notification under subsection 5 of this section the vehicle owner fails to pay such vehicle-related fees and fines to the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county within thirty days from the date of such notice, the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county may notify the director of revenue of such failure. Such notification shall be on forms or in an electronic format approved by the department of revenue and shall list the vehicle owner's full name and address, and the year, make, model, and vehicle identification number of such motor vehicle and such other information as the director shall require. 7. Upon receipt of notification under subsection 5 of this section, the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county that the vehicle-related fees or fines have been paid in full. Upon the owner furnishing proof of payment of such fees and fines and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of vehicle-related fees or fines the owner so aggrieved may appeal to the circuit court of the county where the violation occurred for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536 for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require. 8. The city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county shall reimburse the department of revenue for all administrative costs associated with the administration of subsections 5 to 8 of this section. 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void. ---------- (L. 1951 p. 691 §§ 1, 2, A.L. 1974 H.B. 894 & 1517, A.L. 1984 H.B. 1515, A.L. 1987 S.B. 3, A.L. 1995 S.B. 70, A.L. 1997 S.B. 316, A.L. 1998 S.B. 778, A.L. 1999 S.B. 19, A.L. 2000 H.B. 1797, A.L. 2004 S.B. 1233, et al. merged with S.B. 1394, A.L. 2005 H.B. 58 merged with H.B. 487 merged with S.B. 210)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.029 - Implements of husbandry, movement on highway permitted, when — definition.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.029. Implements of husbandry, movement on highway permitted, when — definition. —1. Any self-propelled sprayer, floater, or other form of implement of husbandry that is used for spraying chemicals or spreading fertilizer for agricultural purposes may be moved or operated on the highways of this state without complying with the provisions of this chapter relating to titling, registration, and the display of license plates. 2. The exemption for titling, registration, and the display of license plates provided for in subsection 1 of this section shall apply whether the described vehicles are laden or unladen. 3. All other requirements of the law relating to motor vehicles, unless the context clearly provides otherwise, shall apply to the vehicles described in subsection 1 of this section when operated on the highways of this state. 4. As used in this section, the term"implement of husbandry"means all self-propelled machinery manufactured for operation at low speeds, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary off-road usage and used exclusively for the application of commercial plant food materials or agricultural chemicals. ---------- (L. 2008 H.B. 1354)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.030 - Motor vehicle registration periods — commercial plates, requirements — proration authorized for larger commercial vehicles.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.030. Motor vehicle registration periods — commercial plates, requirements — proration authorized for larger commercial vehicles. —1. The director shall provide for the retention of license plates by the owners of motor vehicles, other than commercial motor vehicles, and shall establish a system of registration on a monthly series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the calendar year. For the purpose of assigning license plate numbers, each type of motor vehicle shall be considered a separate class. Commencing July 1, 1949, motor vehicles, other than commercial motor vehicles, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last date of the twelfth month from the date of beginning. Fees for the renewal of noncommercial motor vehicle registrations shall be payable no later than the last day of the month that follows the twelfth month of the expired registration period. No delinquent renewal penalty shall be assessed under section 301.050, and no violation shall be issued under section 301.020 for an expired registration, prior to the second month that follows the twelfth month of the expired registration period. 2. Motor vehicles, other than commercial motor vehicles, operated for the first time upon the public highways of this state, to and including the fifteenth day of any given month, shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the month of such operation; motor vehicles, other than commercial motor vehicles, operated for the first time on the public highways of this state after the fifteenth day of any given month shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the next following calendar month. 3. All commercial motor vehicles and trailers, except those licensed under section 301.035 and those operated under agreements as provided for in sections 301.271 to 301.279, shall be registered either on a calendar year basis or on a prorated basis as provided in this section. The fees for commercial motor vehicles, trailers, semitrailers, and driveaway vehicles, other than those to be operated under agreements as provided for in sections 301.271 to 301.279 shall be payable not later than the last day of February of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Local commercial motor vehicle license plates may also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor vehicles and, in addition to such stamp, mark or design, the letter "F" shall also be displayed on local commercial motor vehicle license plates issued to motor vehicles used for farm or farming transportation operations as defined in section 301.010 in the manner prescribed by the advisory committee established in section 301.129*. In addition, all commercial motor vehicle license plates may be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued. 4. The director shall, upon application, issue registration and license plates for nine thousand pounds gross weight for property-carrying commercial motor vehicles referred to herein, upon payment of the fees prescribed for twelve thousand pounds gross weight as provided in section 301.057. 5. Notwithstanding any other provision of law to the contrary, any motorcycle or motortricycle registration issued by the Missouri department of revenue shall expire on June thirtieth. ---------- (L. 1947 V. I p. 380 § 8369a, A.L. 1951 p. 695, A.L. 1965 p. 468, A.L. 1974 H.B. 894 & 1517, A.L. 1983 H.B. 539, A.L. 1986 H.B. 1367 & 1573, A.L. 1993 S.B. 105, A.L. 1995 S.B. 70, A.L. 1997 H.B. 459 merged with S.B. 121, A.L. 2007 S.B. 82, A.L. 2018 S.B. 881, A.L. 2020 H.B. 1963) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.031 - Local commercial motor vehicle hauling solid waste, extended operational limit.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.031. Local commercial motor vehicle hauling solid waste, extended operational limit. —Notwithstanding the twenty-five mile*operations limit imposed in section 301.010 upon local commercial motor vehicles, a local commercial motor vehicle licensed for forty-eight thousand pounds gross weight and above may be used to haul solid waste as defined in section 260.200 up to sixty miles from the municipality in which its operations are otherwise confined and still be eligible to register as a local commercial motor vehicle. ---------- (L. 1993 S.B. 105, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225) *Twenty-five mile operations limit changed to fifty miles by S.B. 70, 1995.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.032 - Fleet vehicle registration, director to establish system — procedures — special license plates — exempt from inspection requirements, when — leasing company may operate as registered fleet owner, when, requirements — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.032. Fleet vehicle registration, director to establish system — procedures — special license plates — exempt from inspection requirements, when — leasing company may operate as registered fleet owner, when, requirements — rulemaking authority. —1. Notwithstanding the provisions of sections

301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles. 2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee. 3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection. 4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129*. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. 5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri. 6. (1) Notwithstanding any other provisions of law to the contrary, any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section. (2) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law. (3) The registration fees for vehicles in the registered fleet owner's fleet shall be fully payable at the time such plates are ordered, except that when such plate is ordered after the first month of registration, the fees payable shall be prorated by the month the plates were ordered. When biennial registration is sought, an additional year's annual fee shall be added to the partial year's prorated fee. (4) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue. 7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years. 8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026. 9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January first of the licensure period. 10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule. 11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if

any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void. ---------- (L. 1993 S.B. 105 § 301.032 subsecs. 1 to 6, A.L. 1995 S.B. 70, A.L. 2009 H.B. 683, A.L. 2012 H.B. 1402, A.L. 2019 S.B. 89 merged with S.B. 368, A.L. 2020 H.B. 1963) *Section 301.129 was repealed by H.B. 1298 Revision, 2014

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.035 - Commercial vehicles licensed for twelve thousand pounds or less, staggered registration periods — fees prorated.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.035. Commercial vehicles licensed for twelve thousand pounds or less, staggered registration periods — fees prorated. —1. Notwithstanding other provisions of this chapter, commencing January 1, 1974, commercial motor vehicles to be licensed for twelve thousand pounds or less shall be registered on a monthly series basis in the manner provided for motor vehicles other than commercial motor vehicles. 2. During the time necessary to change over from the present system of annual calendar year registration to the monthly series system, all commercial motor vehicles to be licensed for twelve thousand pounds or less shall be registered for one of twelve registration periods, which shall vary in length from a minimum of six consecutive calendar months to a maximum of seventeen calendar months. In the order of the receipt of applications for registration for the vehicles by the owners thereof, the director shall allocate to each of the twelve registration periods the number of the vehicles that will in his judgment distribute as uniformly as practicable the clerical work of registering the vehicles throughout the twelve-month period in which registration shall expire and come up for renewal. Each period shall commence January 1, 1974. The first period shall expire June 30, 1974; the second, July 31, 1974; the third, August 31, 1974; the fourth, September 30, 1974; the fifth, October 31, 1974; the sixth, November 30, 1974; the seventh, December 31, 1974; the eighth, January 31, 1975; the ninth, February 28, 1975; the tenth, March 31, 1975; the eleventh, April 30, 1975; the twelfth, May 31, 1975. Upon the expiration of the initial registration period, the vehicles so registered shall thereafter be registered for twelve-month periods. 3. The fees for registrations of such vehicles may be prorated and the prorated fee shall be paid in the manner provided in section 301.030. Applications for pro rata registration shall be made at the time and in the manner prescribed by the director of revenue. ---------- (L. 1973 H.B. 25)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.040 - Notice of motor vehicle registration — applications.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.040. Notice of motor vehicle registration — applications. —The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration period covered by such license. Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055 where they shall be made available to any person upon request. Failure of the owner to receive such notice shall not relieve the owner of the requirement to register pursuant to this chapter. ---------- (RSMo 1939 § 8368, A.L. 1945 p. 1194, A.L. 1947 V. I p. 380, A. 1949 S.B. 1110, A.L. 1987 S.B. 3, A.L. 2001 H.B. 691) Prior revision: 1929 § 7760

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.041 - Reciprocity agreement, registered commercial vehicles — procedures — failure to display plates, penalty — director may promulgate rules — validity of previously issued plates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.041. Reciprocity agreement, registered commercial vehicles — procedures — failure to display plates, penalty — director may promulgate rules — validity of previously issued plates. —1. All commercial motor vehicles and trailers registered pursuant to this section or to be operated under reciprocity agreements shall be registered annually, or in the discretion of the state highways and transportation commission, staggered in such manner as to be registered for a one-year period beginning on the first day of a quarter during such year and in such manner as the commission may determine by regulation. To facilitate the transition from an annual registration to a staggered registration, the commission shall inquire of all registrants and registrations as to which calendar quarter the registrant wishes to use as the beginning date of the registration once the transition to staggered registration is complete. If the registrant does not respond by the date selected by the commission, or if no quarter is selected, the registrant shall remain on a calendar year registration. The commission may issue prorated registrations pursuant to this section for periods of greater than or less than one year during the transition to a nonannual year registration, but no registration shall exceed eighteen months nor be less than six months. The commission may issue a prorated, by quarter, partial year registration at any time for additions to a fleet made after an initial registration of such fleet, or such other reasons as approved by the commission or its designee upon the request of the registrant. 2. An application for renewal registration pursuant to this section shall be made with all required documents on or before the first day of the month that is three calendar months immediately prior to the beginning date of the registration. Renewal applications received after the first day of the third calendar month immediately prior to the registration shall be assessed a penalty of one hundred dollars. The commission's designee may waive the penalty pursuant to this subsection for good cause. 3. Fees for commercial motor vehicles and trailers

renewed pursuant to this section shall be paid no later than the first day of the month that is one calendar month immediately prior to the beginning date of the registration except for payments made on an installment basis as provided in subsection 4 of this section. Renewal application fees not paid by the first day of the month immediately prior to the registration shall be assessed a penalty of fifty dollars per vehicle, but in no case shall such penalty exceed one hundred fifty dollars per application. The commission's designee may, for good cause, waive or reduce any penalties assessed pursuant to this subsection. 4. Any owner of a commercial motor vehicle or trailer operated pursuant to this section or reciprocity agreements may elect to pay the Missouri portion of the annual registration fee in two equal installments, except that no such installment shall be less than one hundred dollars. The first installment shall be payable on or before the first day of the month immediately prior to the beginning date of the registration, and the second installment shall be payable on or before the first day of the sixth month of that registration one-year period. Every owner electing to pay on an installment basis shall file on or before the first day of the month immediately prior to the beginning date of the registration, a surety bond, certificate of deposit or irrevocable letter of credit as defined in section 400.5-103 to guarantee the payment of the second installment. The bond or certificate or letter of credit shall be in an amount equal to the payment guaranteed. The commission may require such installments to be filed at other times of the year if a nonannual registration is issued pursuant to subsection 1 of this section. 5. Any applicant who fails to timely renew his or her registration with all required documents pursuant to this section or who fails to timely pay any fees and penalties owed pursuant to this section shall not be issued a temporary registration for a motor vehicle or a trailer issued pursuant to this section or under reciprocity agreements. Nothing in this section shall prohibit the issuance of temporary registration credentials for additions to the registrant's fleet subsequent to renewal. 6. The applicant for registration pursuant to this section shall affix the registration plate issued to the front of the vehicle in accordance with the provisions of section 301.130. Any vehicle required to be registered pursuant to this section shall display the plate issued to that vehicle no later than December thirty-first of each year or the last day of the quarter preceding the quarter in which the registration begins, as applicable. Failure to display the registration plate required by this section shall constitute a class A misdemeanor. 7. The commission may prescribe rules and regulations for the effective administration of this section. 8. Any current registration or plate for which all fees have been paid for a commercial trailer previously issued pursuant to reciprocity agreements shall remain valid even if such agreements no longer require apportionment of such trailers under such agreements, and such trailers may continue to be registered pursuant to this section. 9. Notwithstanding any other law to the contrary, the commission shall have the authority pursuant to this chapter to issue permanent and temporary registrations on commercial trailers whether or not the registration is issued pursuant to reciprocity agreements. The provisions of subsection 1 of section 301.190 shall not apply to registrations issued pursuant to this subsection, provided the carrier or person to whom the registration is issued has at least one tractor as defined in section 301.010 registered with the state of Missouri pursuant to this section. 10. Commercial trailer plates issued pursuant to this section shall in all other respects conform to and have the same requirements as those issued pursuant to subsection 3 of section 301.067. Such plates may contain the legend "COMM TRL" in preference to the words "SHOW-ME STATE". ---------- (L. 1993 S.B. 105, A.L. 1997 S.B. 131, A.L. 2001 S.B. 520, A.L. 2004 H.B. 928 and H.B. 1123 and H.B. 1280 merged with S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.050 - Registration fees — penalty for delinquency.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.050. Registration fees — penalty for delinquency. —All registration fees shall be payable to the director of revenue and shall accompany the application for registration. A penalty fee of five dollars shall be paid on all delinquent registrations. Any motor vehicle on which the annual registration fee falls due prior to September 1, 1984, and which is delinquent shall thereafter be registered by the department of revenue to renew that annual registration at the fee in effect when the annual registration was due plus the penalty provided in this section. ---------- (L. 1947 V. I p. 380 § 8369c, A.L. 1953 p. 567, A.L. 1984 H.B. 1045) Effective 9-01-84

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.055 - Annual registration fees — motor vehicles other than commercial.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.055. Annual registration fees — motor vehicles other than commercial. —1. The annual registration fee for motor vehicles other than commercial motor vehicles is: 2. Notwithstanding any other provision of law, the registration of any autocycle registered as a motorcycle or motortricycle prior to August 28, 2018, shall remain in effect until the expiration of the registration period for such vehicle at which time the owner shall be required to renew the motor vehicle's registration under the autocycle classification and pay the appropriate registration fee. ---------- (L. 1969 S.B. 242, A.L. 1984 H.B. 1045, A.L. 2018 S.B. 881)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.057 - Annual registration fee — property-carrying commercial vehicles — exemption.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.057. Annual registration fee — property-carrying commercial vehicles — exemption. —The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is: ---------- (L. 1969 S.B. 242, A.L. 1979 H.B. 342, A.L. 1983 H.B. 539, A.L. 1984 H.B. 1045, A.L. 1987 S.B. 135 & 63, A.L. 1991 S.B. 292, A.L. 2001 S.B. 520) *Word "pounds" does not appear in original rolls.

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.058 - Annual registration fees for local property-carrying commercial motor vehicles — exempt vehicles — improper registration, when, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.058. Annual registration fees for local property-carrying commercial motor vehicles — exempt vehicles — improper registration, when, penalties. —1. The annual registration fee for property-carrying local commercial motor vehicles, other than a land improvement contractors' commercial motor vehicles, based on gross weight is: 2. Any person found to have improperly registered a motor vehicle in excess of fifty-four thousand pounds when he or she was not entitled to shall be required to purchase the proper license plates and, in addition to all other penalties provided by law, shall be subject to the annual registration fee for the full calendar year for the vehicle's gross weight as prescribed in section 301.057. ---------- (L. 1969 S.B. 242 § 301.059, A.L. 1979 H.B. 342, A.L. 1991 S.B. 292, A.L. 1992 H.B. 1382, A.L. 2001 S.B. 520)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.059 - Annual registration fees — passenger-carrying commercial motor vehicles (not including passenger-carrying local commercial motor vehicles, school buses or local transit buses).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.059. Annual registration fees — passenger-carrying commercial motor vehicles (not including passenger-carrying local commercial motor vehicles, school buses or local transit buses). —The annual registration fee for passenger-carrying commercial motor vehicles (not including passenger-carrying local commercial motor vehicles, school buses or local transit buses) based on seating capacity is: ---------- (L. 1969 S.B. 242 § 301.060)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.061 - Annual registration fees — passenger-carrying local commercial motor vehicles.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.061. Annual registration fees — passenger-carrying local commercial motor vehicles. —The annual registration fee for passenger-carrying local commercial motor vehicles based on seating capacity is: ---------- (L. 1969 S.B. 242)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.062 - Local log trucks, registration fees — extended distance log truck permit, additional fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.062. Local log trucks, registration fees — extended distance log truck permit, additional fee. —1. The annual registration fee for a local log truck, registered pursuant to this chapter, is three hundred dollars. 2. A local log truck may receive an extended distance local log truck permit for an additional fee of three hundred dollars. A local log truck with an extended distance local log truck permit shall be allowed to transport harvested or processed forest products outside of the radius from the forested site specified in section 301.010 at the weight limits for commercial vehicles specified in section 304.180. For the purposes of this section,"processed forest products"shall mean wood products that are produced from the initial processing of a round log and have received no additional manufacturing or packaging to prepare the material for any retail market including, but not limited to, sawdust, wood chips, bark, slabs, and green square edged lumber products. ---------- (L. 1997 H.B. 381 § 1, A.L. 2017 S.B. 8, A.L. 2022 1st Ex. Sess. H.B. 3) Effective 1-02-23

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.063 - Annual registration fees — local transit buses.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.063. Annual registration fees — local transit buses. —The annual registration fee for local transit buses based on seating capacity is: ---------- (L. 1969 S.B. 242)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.064 - Land improvement contractors' commercial motor vehicles, registration, fee — license plates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.064. Land improvement contractors' commercial motor vehicles, registration, fee — license plates. —1. The annual registration fee for a land improvement contractors' commercial motor vehicle is three hundred*fifty dollars. The maximum gross weight for which such a vehicle may be registered is eighty thousand pounds. Transporting for hire by such a motor vehicle is prohibited. 2. Upon application to the director of revenue accompanied by an affidavit signed by the owner or owners stating that the motor vehicle to be licensed as a land improvement contractors' commercial motor vehicle shall not be operated in any manner other than as prescribed in section 301.010, and by the amount of the registration fee prescribed above, and otherwise complying with the laws relating to the registration and licensing of

motor vehicles, the owner or owners shall be issued a set of land improvement contractors' license plates. The director of revenue shall by regulation determine the characteristic features of land improvement contractors' license plates so that they may be readily identified as such. ---------- (L. 1979 H.B. 342, A.L. 1986 H.B. 1367 & 1573, A.L. 1995 S.B. 3 and A.L. 1995 S.B. 70, A.L. 1997 H.B. 769, A.L. 2011 H.B. 315) *Word "and" appears here in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.065 - Annual registration fees — school buses.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.065. Annual registration fees — school buses. —The annual registration fee for each school bus, twenty-five dollars, fifty cents. ---------- (L. 1969 S.B. 242)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.066 - Annual registration fees for shuttle buses, recreation and vanpool motor vehicles — plates, color and design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.066. Annual registration fees for shuttle buses, recreation and vanpool motor vehicles — plates, color and design. —The annual registration fee for shuttle buses, recreational motor vehicles and vanpool vehicles is thirty-two dollars. The advisory committee established in section 301.129*shall determine the characteristic features of license plates for vehicles registered under the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. ---------- (L. 1974 H.B. 883, A.L. 1979 S.B. 108, A.L. 1984 H.B. 1045, A.L. 1985 S.B. 209, H.B. 501, A.L. 1986 H.B. 1554 Revision, A.L. 1995 S.B. 70) Effective 1-01-97 *Section 301.129 was repealed by H.B. 1298 Revision, 2014 CROSS REFERENCE: Vanpool licensing requirement for ride-sharing vehicles, 285.200

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.067 - Trailer or semitrailer registration required, fee — optional period fee for certain trailers and semitrailers — permanent registration allowed, procedure — fees for recreational trailers, payable when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.067. Trailer or semitrailer registration required, fee — optional period fee for certain trailers and semitrailers — permanent registration allowed, procedure — fees for recreational trailers, payable when. —1. For each trailer or semitrailer there shall be paid an annual fee of seven dollars and*fifty cents, and in addition thereto such permit fee authorized by law against trailers used in combination with tractors operated under the supervision of the highways and transportation commission of the department of transportation. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load. 2. Any trailer or semitrailer may at the option of the registrant be registered for a period of three years upon payment of a registration fee of twenty-two dollars and fifty cents. 3. Any trailer as defined in section 301.010 or semitrailer may, at the option of the registrant, be registered permanently upon the payment of a registration fee of fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific. The plate and the registration fee paid is nontransferable and nonrefundable, except those covered under the provisions of section 301.442. 4. Beginning August 28, 2019, the annual registration fees imposed under this section or section 301.030 for recreational trailers, as defined under section 301.010, shall be payable in the month of May each year. Any fee that would have been due in December 2019, shall be deferred until May 2020. ---------- (L. 1969 S.B. 242, A.L. 1975 S.B. 315, A.L. 1987 S.B. 3, A.L. 1992 S.B. 607, A.L. 2013 S.B. 252, A.L. 2016 H.B. 2380, A.L. 2019 H.B. 499) *Word "and" does not appear here in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.069 - Driveaway license plates, restriction on use — annual driveaway license or choice of biennial license, fees — application, contents — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.069. Driveaway license plates, restriction on use — annual driveaway license or choice of biennial license, fees — application, contents — violation, penalty. —1. A driveaway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly parked, or burned vehicles. Driveaway license plates shall only be used by owners, corporate officers, or employees of the business to which the plate was issued. For each driveaway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. Applicants may choose to obtain biennial driveaway licenses. The fee for biennial driveaway licenses shall be eighty-nine dollars. For single trips the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations. 2. No driveaway license plates shall be issued by the director of revenue unless the applicant therefor shall make application for such plate and shall therein include: (1) The business name, business street address, and business telephone number of the applicant; (2) The business owner's full name, date of

birth, driver's license number or nondriver's license number, residence street address, and residence telephone number; (3) The signature and printed name of the business owner or authorized representative of the business presenting such application; and (4) A statement explaining what the driveaway license plate or plates will be used for.--The applicant shall provide certification of proof of financial responsibility, as defined in section 303.020, sufficient to cover each motor vehicle the applicant shall operate or otherwise move on the streets or highways, through use of the driveaway license plate, during the period of registration. The applicant shall provide such certification by affixing a copy of said certification to the application. The application shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building and sign of the applicant's business. The applicant shall maintain a working landline telephone at the applicant's place of business throughout the registration period. The applicant shall maintain certification of proof of financial responsibility as described herein throughout the registration period. --The applicant shall provide certification of proof of financial responsibility, as defined in section 303.020, sufficient to cover each motor vehicle the applicant shall operate or otherwise move on the streets or highways, through use of the driveaway license plate, during the period of registration. The applicant shall provide such certification by affixing a copy of said certification to the application. The application shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building and sign of the applicant's business. The applicant shall maintain a working landline telephone at the applicant's place of business throughout the registration period. The applicant shall maintain certification of proof of financial responsibility as described herein throughout the registration period. 3. If any of the information required by this section to be reported by the applicant changes during the registration period, the applicant shall report said changes to the department of revenue within ten days of the date of the change. 4. Any violation of this section or misrepresentation contained in an application for driveaway license plate shall result in the revocation of the applicant's driveaway license plate and any subsequent application for a driveaway license plate shall be denied for two years from the date of violation."Applicant"shall include any officer of a business or any employee or agent thereof. 5. Any person who knowingly uses a revoked driveaway license plate shall be deemed guilty of a class A misdemeanor. ---------- (L. 1969 S.B. 242, A.L. 1984 H.B. 1045, A.L. 2003 H.B. 491, A.L. 2004 S.B. 757 merged with S.B. 1233, et al., A.L. 2012 H.B. 1402)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.070 - Computation of fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.070. Computation of fees. —1. In determining fees based on the horsepower of vehicles propelled by internal combustion engines, the horsepower shall be computed and recorded upon the following formula established by the National Automobile Chamber of Commerce: Square the bore of the cylinder in inches multiplied by the number of cylinders, divided by two and one-half. 2. The horsepower of all motor vehicles propelled by steam may be accepted as rated by the manufacturers thereof, or may be determined in accordance with regulations promulgated by the director. 3. The horsepower of all motor vehicles, except commercial motor vehicles, propelled by electric power, shall be rated as being between twelve and twenty-four horsepower. 4. Fees of commercial motor vehicles, other than passenger-carrying commercial motor vehicles, shall be based on the gross weight of the vehicle or any combination of vehicles and the maximum load to be carried at any one time during the license period, except the fee for a wrecker, tow truck, rollback or car carrier used in a towing service shall be based on the empty weight of such vehicle fully equipped for the recovery or towing of vehicles. 5. The decision of the director as to the type of motor vehicles and their classification for the purpose of registration and the computation of fees therefor shall be final and conclusive. ---------- (RSMo 1939 § 8370, A.L. 1943 p. 663, A.L. 1951 p. 695, A.L. 1992 H.B. 1794) Prior revisions: 1929 § 7763; 1919 § 7559

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.071 - Disabled veteran license plates, eligibility for.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.071. Disabled veteran license plates, eligibility for. —Any person who has served in the Armed Forces of the United States and who has been honorably discharged or separated therefrom and who has a service connected disability of such a nature that it would, if it had been incurred in service, have entitled him to be awarded an automobile by the United States Federal Government, or who is receiving compensation from the Veterans Administration for total service connected disability, may apply for special motor vehicle license plates as provided in this section. ---------- (L. 1977 H.B. 61 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.072 - Application for disabled veteran's plates, how made.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.072. Application for disabled veteran's plates, how made. —Any such person shall make application for the special license plates on a form prescribed by the director of revenue, and shall submit the application and proof of his disability in the form of a statement from the United States Veterans Administration verifying the person was awarded an automobile by the United States Federal Government because of a service incurred disability and/or the person is receiving compensation for total service connected disability. ---------- (L. 1977 H.B. 61 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.073 - Plates, how issued, form of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.073. Plates, how issued, form of. —The director of revenue shall thereupon issue license plates, a registration number and the words "Disabled Veteran". The advisory committee established in section 301.129*shall determine the characteristic features of the license plate, except that such license plate shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, and such plate shall include the international wheelchair accessibility symbol when the applicant is physically disabled as defined in section 301.142, as such symbol is placed on license plates described in section 301.142. ---------- (L. 1977 H.B. 61 § 3, A.L. 1993 S.B. 329, A.L. 1995 S.B. 70) Effective 1-01-97 *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.074 - Duration of license period — annual proof of inspection and disability, exceptions — limitation on issuance.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.074. Duration of license period — annual proof of inspection and disability, exceptions — limitation on issuance. —License plates issued under sections 301.071 to 301.075 shall be valid for the duration of the veteran's disability. Each such applicant issued license plates under these provisions shall annually furnish proof of vehicle inspection and proof of disability to the director, except that an applicant whose service connected disability qualifying him for special license plates consists in whole or in part of loss of an eye or a limb or an applicant with a one hundred percent permanent disability, as established by a physician's signed statement to that effect, need only furnish proof of disability to the director when initially applying for the special license plates and not thereafter, but in such case proof that the veteran is alive shall be required annually. No commercial motor vehicle in excess of twenty-four thousand pounds gross weight may be licensed under the provisions of sections 301.071 to 301.075. ---------- (L. 1977 H.B. 61 § 4, A.L. 1983 H.B. 182, A.L. 1995 S.B. 70, A.L. 2018 H.B. 1503 merged with S.B. 881)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.075 - No fee for one set of disabled veteran plates — fee for subsequent sets.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.075. No fee for one set of disabled veteran plates — fee for subsequent sets. —There shall be no fee charged for one set of license plates issued to an eligible person under the provisions of sections 301.071 to 301.075. A second or subsequent set of license plates issued to the eligible person under these sections shall be subject to regular registration fees and the fee required for personalized license plates under section 301.144. ---------- (L. 1977 H.B. 61 § 5, A.L. 2018 H.B. 1503 merged with S.B. 881)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.080 - Registration period in case of expired license, affidavit of nonoperation to be filed, when, failure to file, effect — period for new license.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.080. Registration period in case of expired license, affidavit of nonoperation to be filed, when, failure to file, effect — period for new license. —1. Upon application for registration of a motor vehicle, other than a commercial motor vehicle, by an owner who holds license plates in a registration period which has expired, the director shall register said vehicle for the fraction of the twelve-month period as will enable the owner to use the license plates so held by him, and he shall be required to pay a fee computed on the basis of one-twelfth of the full year's registration fee prescribed for such vehicles, multiplied by the number of months remaining in the registration period for which he shall be required to register. When the registration renewal is subject to the delinquent renewal penalty imposed by section 301.050, the owner shall file an affidavit of nonoperation for the months during which the license plates were expired or pay the full twelve-month registration fee. 2. For new vehicles, other than commercial motor vehicles, not previously registered in this state, the fee shall be computed on the basis of one-twelfth of the full year's registration fee prescribed for such vehicles, multiplied by the number of months of the current registration year which have not fully expired on the date of application. When ownership of a nonregistered vehicle, other than a commercial motor vehicle, which has not been previously operated on the public highways during the current registration year, is transferred, the registration fee to be paid by transferee shall be computed as provided above for new vehicles, providing a satisfactory affidavit of such nonoperation is filed with the department of revenue. In the case of a new vehicle, a vehicle not previously registered in Missouri, or a vehicle which is transferred, the legal date of application for registration shall be the date on which such vehicle was first operated on the public highways after it was acquired by the applicant; provided, however, if the bill of sale is dated prior to the date the vehicle was placed in operation, the applicant must file an affidavit of nonoperation, provided the later date is fractional in the computation of the registration fee. ---------- (L. 1947 V. I p. 380 § 8369d, A.L. 1951 p. 695, A.L. 1969 S.B. 242, A.L. 1987 S.B. 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.090 - Registration fees — collection and deposit.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.090. Registration fees — collection and deposit. —All fees for the registration of motor vehicles, trailers, certificates of title and motorcycles provided for herein shall be

collected by the director of revenue and deposited with the state treasurer to the credit of the state highway department fund. ---------- (RSMo 1939 § 8402, A.L. 1945 p. 1194, A.L. 1957 p. 623) Prior revisions: 1929 § 7784; 1919 § 7604 CROSS REFERENCE: Source and application of highway funds, Const. Art. IV § 30(b)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.100 - Registration of motor vehicles operated for first time in state.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.100. Registration of motor vehicles operated for first time in state. —1. Motor vehicles not previously registered in Missouri and operated for the first time on the public highways of this state may be initially registered for less than a twelve-month period at the director's option, when in his judgment such fractional registration period shall tend to fulfill the purpose of the monthly series registration system. 2. Upon expiration of the initial fractional registration periods, motor vehicles so registered shall thereafter be registered for twelve-month periods as provided in section 301.030. 3. Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this state, and previously registered in another state shall be made within thirty days after the owner of such motor vehicle has become a resident of this state. ---------- (L. 1947 V. I p. 380 § 8389b, A.L. 1951 p. 695, A.L. 1953 p. 567, A.L. 1983 H.B. 149, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.110 - Director may change registration periods to equalize work.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.110. Director may change registration periods to equalize work. —1. Whenever the director shall determine from an increase or decrease in the number of registrations of all types of motor vehicles in any given month that the volume of clerical work of registration of all types of motor vehicles in such month has become so disproportionate to the volume of work in the remaining registration periods as to render the system burdensome or inefficient, he is authorized and empowered to change the registration period of any number of motor vehicles, other than commercial motor vehicles, as may be necessary to increase or reduce the volume of registration in one or more periods by advancing the renewal date and shortening the registration period of such motor vehicles. 2. The shifting of registration periods shall be accomplished by notifying the registrants of the change, and giving them credit for that portion of the registration period not yet elapsed. In such instances the director shall order the registrant to surrender the license plates and registration certificate held by him and shall assign and issue, without cost to the owner, new plates and a registration certificate designating the new registration expiration date. ---------- (L. 1947 V. I p. 380 § 8369b, A.L. 1951 p. 695, A.L. 1969 S.B. 242)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.112 - Service agent obtaining certificate of ownership for owner, definition.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.112. Service agent obtaining certificate of ownership for owner, definition. —For the purpose of sections 301.112 to 301.119,"motor vehicle title service agent"shall be deemed to mean any person who acts as an agent for a fee in obtaining a certificate of ownership of a motor vehicle. ---------- (L. 1984 S.B. 416 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.114 - Service agent required to obtain license, form, qualifications, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.114. Service agent required to obtain license, form, qualifications, fee. —1. No person shall carry on or conduct a business, the purpose of which is to act as an agent for a fee in obtaining a certificate of ownership of a motor vehicle, unless licensed to do so by the department of revenue. 2. Application for license shall be submitted by July first of each year and shall be made on the form the department prescribes, containing the name of the applicant, the address where business is to be conducted, the resident's address, if the applicant is an individual, the names and residents' addresses of the partners of the applicant, if a partnership, the names and residents' addresses of the principal officers of the applicant and the state of its incorporation, if a corporation. The application shall be verified by the oath or affirmation of the applicant, or if the applicant is a partnership or a corporation, by a partner or officer of the applicant and shall be accompanied by a fee of fifty dollars. 3. The department shall file each application received by it with the required fee, and when satisfied that the applicant, if an individual, or each of the partners or principal officers of the applicant, if a partnership or a corporation, is of good moral character and that the applicant, so far as can be ascertained, has complied and will comply with the laws of this state relating to certificates of title of vehicles, shall issue to the applicant a license to carry on and conduct business at the address specified in the application until July first next following the date on which the license is issued. ---------- (L. 1984 S.B. 416 §§ 2, 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.116 - Records required to be kept by service agents, time period — records open for inspection.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.116. Records required to be kept by service agents, time period — records open for inspection. —1. Every licensee shall maintain for three years a record of: (1) Date of

application of certificate of title of vehicles; (2) Name and address of the owner; (3) Name of the manufacturer; (4) Vehicle identification number and year of manufacture; (5) Style of vehicle; (6) Odometer setting. 2. Any record kept pursuant to subsection 1 of this section shall be open to inspection by any authorized representative of the department, member of the Missouri highway patrol or any authorized peace officer during reasonable business hours. ---------- (L. 1984 S.B. 416 § 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.117 - Bond requirements for service agents — paid out, when — liability limitation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.117. Bond requirements for service agents — paid out, when — liability limitation. —1. The application for licensure shall be accompanied by a corporate surety bond in the amount of twenty-five thousand dollars and conditioned on the faithful performance of all requirements for the lawful obtaining or receiving of certificates of ownership for motor vehicles. 2. The bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of his license. The bonds shall be executed in the name of Missouri for the benefit of any aggrieved party; except, that the aggregate liability to all aggrieved parties shall, in no event, exceed the amount of the bond. The proceeds of the bond shall be paid upon receipt by the director of a final judgment from a court of competent jurisdiction against the principal and in favor of an aggrieved party. ---------- (L. 1984 S.B. 416 § 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.119 - Revocation or suspension of license, procedure, grounds — violations, a misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.119. Revocation or suspension of license, procedure, grounds — violations, a misdemeanor. —1. The department shall suspend or revoke a license, upon notice and reasonable opportunity to be heard, as otherwise provided by law if it finds: (1) The license was fraudulently procured or erroneously issued; or (2) The applicant, or any partner or principal officer of the applicant, if a partnership or corporation, has failed to comply with the laws of this state relating to certificate of title of vehicles; or (3) The license is not prominently displayed. 2. Any person who violates any provision of sections 301.112 to 301.119 is guilty of a class A misdemeanor. ---------- (L. 1984 S.B. 416 §§ 4, 7)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.120 - License plates returned, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.120. License plates returned, when. —When the owner of a motor vehicle moves the vehicle to another state, he shall return the license plates to the director of revenue within ninety days or upon the expiration of the period of reciprocity granted by the new state of residence; or if the owner of a motor vehicle ceases to operate the vehicle in Missouri, he shall return the license plates to the director of revenue within ninety days. ---------- (L. 1947 V. I p. 380 § 8369b, A.L. 1951 p. 690, A.L. 1971 S.B. 158)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.121 - Return of plates, partial refund.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.121. Return of plates, partial refund. —1. When the owner of a commercial motor vehicle registered in excess of fifty-four thousand pounds returns the license plates to the director of revenue as provided in section 301.120, but not for a license suspension or revocation, the owner shall receive a refund or credit of any pro rata amount to be determined by the calendar quarters remaining before expiration of the license plates. Such refund or credit shall be granted based upon the date the license plates are surrendered to the director of revenue. Any credit or refund may be applied toward any subsequent application for a Missouri registration only if a commercial motor vehicle. Any refunded portion of a registration fee which was distributed according to the provisions of Article IV, Section 30(b) of the Constitution of Missouri shall be refunded proportionately from state, city and county funds. 2. When the owner of a commercial motor vehicle registered in excess of fifty-four thousand pounds returns the license plate or plates to the appropriate official in the state where the license plate for the commercial motor vehicle was issued, a refund or credit shall be issued by the director of revenue as provided in subsection 1 of this section. If the refund is to come from moneys previously transferred to another state by this state as a result of a reciprocity agreement, such refund by the director of revenue may only be made upon return of such moneys from that state to the director. If such moneys are not returned by that state, such refund will not be made. ---------- (L. 1986 H.B. 1320 § 2, A.L. 1995 S.B. 70, A.L. 2001 S.B. 520)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.125 - Advisory committee established — purpose to develop uniform designs and common colors of license plates, members — dissolved, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.125. Advisory committee established — purpose to develop uniform designs and common colors of license plates, members — dissolved, when. —There is hereby

established an advisory committee for the department of revenue, which shall exist solely to develop uniform designs and common colors for license plates issued under this chapter and to determine appropriate license plate parameters for all license plates issued under this chapter. The advisory committee shall adopt a type of design and color scheme for license plates issued under this chapter that commemorates the bicentennial of Missouri. The advisory committee may adopt more than one type of design and color scheme; however, each license plate of a distinct type shall be uniform in design and color scheme with all other license plates of that distinct type. The specifications for the fully reflective material used for the plates, as required by section 301.130, shall be determined by the committee. Such plates shall meet any specific requirements prescribed in this chapter, except such plates shall be exempt from the requirements of subsection 1 of section 301.130. The advisory committee shall consist of the director of revenue or his or her designee, the superintendent of the highway patrol, the correctional enterprises administrator, the director of the department of transportation, the executive director of the State Historical Society of Missouri, and the respective chairpersons of both the senate and house of representatives transportation committees. The committee shall meet, select a chairperson from among its members, and develop uniform design and license plate parameters for the license plates issued under this chapter not later than January 1, 2017. Prior to determining the final design of the plates, the committee shall hold at least three public meetings in different areas of the state to invite public input on the final design. Members of the committee shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under this section. The director of revenue shall have the final design of the uniform license plates, along with specific parameters for all license plates developed by the committee, available for issuance in all license fee offices in this state not later than January 1, 2019. The committee shall be dissolved upon completion of its duties under this section. ---------- (L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.130 - License plates, required slogan and information — special plates — plates, how displayed — tabs to be used — rulemaking authority, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.130. License plates, required slogan and information — special plates — plates, how displayed — tabs to be used — rulemaking authority, procedure. —1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the National Guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE". 2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates. 3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, autocycles, motorscooters, and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, or with the state highways and transportation commission as otherwise provided in this chapter, but only one license plate shall be issued for each such vehicle, except as provided in this subsection. The applicant for registration of any property-carrying commercial vehicle registered at a gross weight in excess of twelve thousand pounds may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue shall provide for distinguishing marks on the plates indicating one plate is for the front and the other is for the rear of such vehicle. The director may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144. 4. The plates issued to manufacturers and dealers shall bear the letters and numbers as prescribed by section 301.560, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles. 5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue or the state highways and transportation commission and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. Each such plate may be encased in a transparent cover so long as the plate is plainly visible and its reflective qualities are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles, autocycles, and motorscooters shall be displayed on the rear of such vehicles either horizontally or vertically, with the letters and numbers plainly visible. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or

plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid. 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as provided by law as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs positively correlate with the license plate or plates issued by the department of revenue for such vehicle. Such tabs shall be produced in each license bureau office. (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate. (3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid. (4) Except as otherwise provided in this section, the director of revenue shall issue plates for a period of at least six years. (5) For those commercial motor vehicles and trailers registered pursuant to section 301.041, the plate issued by the highways and transportation commission shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the highways and transportation commission upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the highways and transportation commission shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued. (6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the highways and transportation commission and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highways and transportation commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year. 7. The director of revenue and the highways and transportation commission may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. 8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for twenty-four thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030. On and after August 28, 2016, owners of motor vehicles, other than apportioned motor vehicles or commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight, may apply for any preexisting or hereafter statutorily created special personalized license plates. 9. No later than January 1, 2019, the director of revenue shall commence the reissuance of new license plates of such design as approved by the advisory committee under section 301.125 consistent with the terms, conditions, and provisions of section 301.125 and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire during the period of reissuance, applicants for registration of trailers or semitrailers with license plates that expire during the period of reissuance and applicants for registration of vehicles that are to be issued new license plates during the period of reissuance shall pay the cost of the plates required by this subsection. The additional cost prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and specialized license plates are exempt from the provisions of this subsection. Except for new, replacement, and transfer applications, permanent nonexpiring license plates issued to commercial motor vehicles and trailers registered under section 301.041 are exempt from the provisions of this subsection. ---------- (RSMo 1939 § 8377, A.L. 1947 V. I p. 380, A. 1949 S.B. 1110, A.L. 1951 p. 695, A.L. 1969 S.B. 242, A.L. 1977 H.B. 367, et al., A.L. 1981 S.B. 200 merged with H.B. 511, A.L. 1983 H.B. 149, et al., A.L. 1986 H.B. 1067 & 1299, A.L. 1987 H.B. 605, A.L. 1993 S.B. 105, A.L. 1995 S.B. 3 merged with S.B. 156, S.B. 70, A.L. 2001 S.B. 520, A.L. 2003 H.B. 491, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2007 S.B. 82 merged with S.B. 384, A.L. 2008 S.B. 930 & 947, A.L. 2013 H.B. 349, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2380, A.L. 2018 S.B. 881) Prior revisions: 1929 § 7770; 1919 §§ 7564, 7565; 1909 § 8505 CROSS REFERENCES: Consular identification plates, 26.140 Farm tractors exempted from provisions requiring display of number plates, 304.260. (1976) Held, there is no right to a particular license number. State ex rel. Dyke v. Spradling (A.), 536 S.W.2d 839.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.131 - Historic motor vehicles, permanent registration, fee — license plates — annual mileage allowed, record to be kept — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.131. Historic motor vehicles, permanent registration, fee — license plates — annual mileage allowed, record to be kept — penalty. —1. Any motor vehicle over twenty-five years old which is owned solely as a collector's item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be cancelled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle. 3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 4. Historic vehicles may be driven to and from repair facilities one hundred miles from the vehicle's location, and in addition may be driven up to one thousand miles per year for personal use. The owner of the historic vehicle shall be responsible for keeping a log of the miles driven for personal use each calendar year. Such log must be kept in the historic vehicle when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique auto tour or event and mileage driven to and from such a tour or event shall not be considered mileage driven for the purpose of the mileage limitations in this section. Violation of this section shall be punishable under section 301.440 and in addition to any other penalties prescribed by law, upon plea or finding of guilt thereof, the director of revenue shall revoke the historic motor vehicle license plates of such violator which were issued pursuant to this section. 5. Notwithstanding any provisions of this section to the contrary, any person possessing a license plate issued by the state of Missouri that is over twenty-five years old, in which the year of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the owner of the vehicle may register such plate as an historic vehicle plate as set forth in subsections 1 and 2 of this section, provided that the configuration of letters, numbers or combination of letters and numbers of such plate are not identical to the configuration of letters, numbers or combination of letters and numbers of any plates already issued to an owner by the director. Such license plate shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed in section 301.130. The owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of registration in the vehicle at all times. The certificate of registration shall be prima facie evidence that the vehicle has been properly registered with the director and that all fees have been paid. ---------- (L. 1955 p. 620, A.L. 1984 H.B. 1045, A.L. 1986 H.B. 1153, A.L. 1989 S.B. 209, A.L. 1990 H.B. 1279, A.L. 1995 S.B. 70, A.L. 1997 H.B. 394, A.L. 2002 S.B. 957 merged with S.B. 1093, A.L. 2009 H.B. 683) CROSS REFERENCE: Historic motor vehicles exempt from emission inspection, 643.315

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.132 - Street rod and custom vehicle certificate of title — requirements — fee — safety inspection required — plates issued, content — use of blue dot tail lights.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.132. Street rod and custom vehicle certificate of title — requirements — fee — safety inspection required — plates issued, content — use of blue dot tail lights. —1. For purposes of this section,"street rod"is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials. 2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word "REPLICA". 3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees. 4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made: (1) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses; (2) Will not be used for general daily transportation. 5. In addition to the certification required pursuant to subsection 4 of this section, when applying for registration of a street rod, the new owner of the street rod shall provide proof that the street rod passed a safety inspection in accordance with section 307.350 that shall be approved by the department of public safety in consultation with the street rod community in this state. 6. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "STREET ROD", "STATE OF MISSOURI". Such license plates shall be kept securely attached to the motor vehicle registered pursuant to this section. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 7. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section. 8. Except as provided in subsection 5 of this section, a vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls. 9. A"custom vehicle"means any motor vehicle that: (1) Is at least twenty-five years old and of a model year after 1948, or was manufactured to resemble a vehicle twenty-five years old or older and of a model year after 1948; and (2) Has been altered from the manufacturer's original design, or has an entire body constructed from nonoriginal materials. 10. The model year and the year of manufacture that are listed on the certificate of title of a custom vehicle shall be the model year and year of manufacture that the body of such vehicle resembles. The current and all subsequent certificates of ownership shall be designated with the word "REPLICA". 11. For each custom vehicle, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees. 12. In applying for registration of a custom

vehicle pursuant to this section, the owner of the custom vehicle shall submit with the application a certification that the vehicle for which the application is made: (1) Will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses; and (2) Will not be used for general daily transportation. 13. In addition to the certification required pursuant to subsection 12 of this section, when applying for registration of a custom vehicle, the new owner of the custom vehicle shall provide proof that the custom vehicle passed a safety inspection in accordance with section 307.350 that shall be approved by the department of public safety in consultation with the street rod community in this state. 14. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "CUSTOM VEHICLE", "STATE OF MISSOURI". Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 15. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section. 16. Except as provided in subsection 13 of this section, a vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls. 17. For purposes of this section,"blue dot tail light"is a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter. 18. A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors. ---------- (L. 1981 H.B. 511, A.L. 1995 S.B. 70, A.L. 2004 S.B. 1233, et al.) Effective 1-01-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.133 - Special mobile equipment exempt — when permitted on highways, exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.133. Special mobile equipment exempt — when permitted on highways, exception. —1. Special mobile equipment may be moved on the highways of this state from one job location to another or to or from places of storage, delivery or repair without complying with the provisions of the law relating to titling and registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles, except that such equipment, other than farm equipment, shall not be operated on state maintained roads or highways on Saturdays, Sundays or legal holidays, except in emergencies. 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, special mobile equipment that travels at a speed above any minimum posted speed limit and is capable of traveling at the uniform maximum speed limits as established in section 304.010, does not exceed the maximum weight limits as established in subsection 3 of section 304.180, and does not exceed the limitations on height, width, or length of section 304.170, so as to require the issuance of a special permit pursuant to section 304.200, may be operated on state maintained roads or highways at any time and on any day. ---------- (L. 1955 p. 627 § 304.265, A.L. 1987 H.B. 531, A.L. 1995 H.B. 717 merged with S.B. 70, A.L. 2003 H.B. 247)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.134 - Daughters of the American Revolution special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.134. Daughters of the American Revolution special license plates, application, fee. —1. Daughters of the American Revolution who have obtained an emblem-use authorization statement from the Missouri State Society Daughters of the American Revolution may apply for Missouri State Society Daughters of the American Revolution license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri State Society Daughters of the American Revolution hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. 2. Upon application and payment of a one-time twenty-five dollar emblem-use contribution to the Missouri State Society Daughters of the American Revolution, the Missouri State Society Daughters of the American Revolution shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle. 3. Upon presentation of the statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the Missouri State Society Daughters of the American Revolution and the words "MISSOURI STATE SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION" and shall engrave the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section. 4. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004,

shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.135 - Personalized license plate — design and color — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.135. Personalized license plate — design and color — fee. —Any motor vehicle which is eligible for permanent registration pursuant to the provisions of section 301.131 may also be licensed by the owner thereof with personalized license plates in the same manner as that otherwise provided by law. Such registration and license plates shall be made and issued only upon the payment of an annual fee equivalent to that regularly charged for personalized license plates in addition to the one-time permanent registration fee authorized by section 301.131. Such license plates may have a tab or other identifying characteristics to readily show the year for which issued. ---------- (L. 1981 H.B. 511, A.L. 1995 S.B. 70) Effective 1-01-97

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.136 - Camping or fifth-wheel trailers over 25 years old, permanent registration of — registration of historic license plates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.136. Camping or fifth-wheel trailers over 25 years old, permanent registration of — registration of historic license plates. —1. Any camping or fifth-wheel trailer, as defined in section 407.1320, that is over twenty-five years old may be permanently registered upon payment of a registration fee of fifty-two dollars and fifty cents. Upon the transfer of the title to any such trailer, the registration shall be cancelled and the license plates issued therefor shall be returned to the director of revenue. 2. The owner of any such trailer shall file an application in a form prescribed by the director and a certificate of registration shall be issued therefor. 3. Notwithstanding any provision of this section to the contrary, any person possessing license plates issued by the state of Missouri that are over twenty-five years old, in which the year of issuance of such plates is consistent with the year of the manufacture of the camping or fifth-wheel trailer, may register such plates as historic trailer plates as set forth in this section; provided that, the configuration of letters, numbers, or combination of letters and numbers of such plates is not identical to the configuration of letters, numbers, or combination of letters and numbers of any plates already issued to an owner by the director. Such license plates shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed by section 301.130. The owner of the historic trailer registered under this section shall keep the certificate of registration in the trailer at all times. The certificate of registration shall be prima facie evidence that the trailer has been properly registered with the director and that all fees have been paid. ---------- (L. 2017 S.B. 225)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.139 - Parking cones for disabled — rulemaking procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.139. Parking cones for disabled — rulemaking procedure. —1. The director of the department of revenue shall, upon the request of any person who is issued special license plates or a removable windshield placard pursuant to section 301.142 and who uses a wheelchair or transports a person who uses a wheelchair, allow the person to obtain a parking cone bearing the international symbol of accessibility and the words "wheelchair parking space". Parking cones obtained pursuant to this section shall be predominantly orange, fluorescent red-orange, or fluorescent yellow-orange, not less than eighteen inches in height and shall be made of a material that can be struck without damaging vehicles on impact. Parking cones shall be purchased by any person wishing to use such cone. 2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 1999 S.B. 19 § 14)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.140 - Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — additional temporary license plate may be purchased, when — salvage vehicles, temporary permits — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.140. Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — additional temporary license plate may be purchased, when — salvage vehicles, temporary permits — rulemaking authority. —1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days, or no more than ninety days if the dealer is selling the motor vehicle under the provisions of section 301.213, or no more than sixty days if

the dealer is selling the motor vehicle under the provisions of subsection 5 of section 301.210. As used in this subsection, the term"trade-in motor vehicle or trailer"shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid. 2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund. 3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund. 4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, or no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section 301.210, from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, or no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section 301.210, from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way. 5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable, shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer, and shall be returned to the department or to the department's agent upon the issuance of such proper registration plates. Any temporary permit returned to the department or to the department's agent shall be immediately destroyed. The provisions of this subsection shall not apply to temporary permits issued for commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained. 6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification

number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri. 7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit. 8. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection. 9. Notwithstanding the provisions of section 301.217, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350. 10. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. *11. The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact. ---------- (RSMo 1939 § 8382, A.L. 1947 V. I p. 380, A.L. 1951 p. 695, A.L. 1978 H.B. 1275, A.L. 1979 H.B. 90, A.L. 1986 H.B. 1153, A.L. 1987 H.B. 605, A.L. 1996 H.B. 991 merged with S.B. 560, A.L. 1997 H.B. 207, A.L. 1998 H.B. 1300, A.L. 1999 S.B. 19, A.L. 2007 S.B. 82, A.L. 2009 H.B. 683, A.L. 2012 H.B. 1402 merged with S.B. 470 § 301.140 and § C merged with S.B. 568 § 301.140 and § D merged with S.B. 611 § 301.140 and § B, A.L. 2013 S.B. 148, A.L. 2015 S.B. 456, A.L. 2018 S.B. 881, A.L. 2020 H.B. 1963) Prior revisions: 1929 § 7774; 1919 § 7561 *The effective date was 7-01-13, the Revisor did not receive notification prior to this date.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.141 - Fraudulent procurement, use, or certification of disabled person license plates — penalty — health care practitioners, false physician's statement, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.141. Fraudulent procurement, use, or certification of disabled person license plates — penalty — health care practitioners, false physician's statement, penalty. —1. Fraudulent procurement or use of disabled-person license plates or windshield placards shall be a class B misdemeanor. 2. Any physician or other health care practitioner authorized to issue a physician's statement or certificate to enable persons to obtain disabled license plates or windshield hanging placards pursuant to section 301.142 who issues, signs, or furnishes such statement or certificate to any person who does not meet one or more of the conditions set forth in subsection 1 of section 301.142, if there is no basis for the diagnosis given, or who issues, signs, or furnishes such statement for a condition, the diagnosis of which is outside the scope of such health care provider's license, is guilty of a class B misdemeanor. ---------- (L. 1999 H.B. 343 § 3, A.L. 2004 S.B. 1233, et al.) Effective 1-01-05 CROSS REFERENCE: Fraudulent procurement or use of a disabled person license plate, penalty, 301.142

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.142 - Plates for disabled and placard for windshield — definitions — physician

statements, requirements — issued when — death of disabled person, effect — lost or stolen placard, replacement of, fee — penalties for certain fraudulent acts.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.142. Plates for disabled and placard for windshield — definitions — physician statements, requirements — issued when — death of disabled person, effect — lost or stolen placard, replacement of, fee — penalties for certain fraudulent acts. —1. As used in sections 301.141 to 301.143, the following terms mean: (1)"Department", the department of revenue; (2)"Director", the director of the department of revenue; (3)"Other authorized health care practitioner"includes advanced practice registered nurses licensed pursuant to chapter 335, physician assistants licensed pursuant to chapter 334, chiropractors licensed pursuant to chapter 331, podiatrists licensed pursuant to chapter 330, assistant physicians, physical therapists licensed pursuant to chapter 334, and optometrists licensed pursuant to chapter 336; (4)"Physically disabled", a natural person who is blind, as defined in section 8.700, or a natural person with medical disabilities which prohibits, limits, or severely impairs one's ability to ambulate or walk, as determined by a licensed physician or other authorized health care practitioner as follows: (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling condition; or (b) The person cannot ambulate or walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or (c) Is restricted by a respiratory or other disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or (d) Uses portable oxygen; or (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or (f) Except as otherwise provided in subdivision (3) of subsection 16 of this section, a person's age, in and of itself, shall not be a factor in determining whether such person is physically disabled or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143; (5)"Physician", a person licensed to practice medicine pursuant to chapter 334; (6)"Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section; (7)"Temporarily disabled person", a disabled person as defined in this section whose disability or incapacity is expected to last no more than one hundred eighty days; (8)"Temporary windshield placard", a placard to be issued to persons who are temporarily disabled persons as defined in this section, certification of which shall be indicated on the physician's statement; (9)"Windshield placard", a placard to be issued to persons who are physically disabled as defined in this section, certification of which shall be indicated on the physician's statement. 2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat. 3. A physician's statement shall: (1) Be on a form prescribed by the director of revenue; (2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section; (3) Include the physician's or other authorized health care practitioner's license number; and (4) Be personally signed by the issuing physician or other authorized health care practitioner. 4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability, which shall determine the expiration date for the temporary windshield placard, and which period shall not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days. 5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists. 6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law. 7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application to the director accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made, and proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "DISABLED" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. If at any time an individual who obtained disabled license plates issued under this subsection no longer occupies a residence with a physically disabled person, or no longer owns a vehicle that is operated at least fifty percent of the time by a physically disabled person, such individual shall surrender the disabled license plates to the department within thirty days of becoming ineligible for their use. 8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when

the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard. 9. No additional fee shall be paid to the director for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129*, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "DISABLED" as prescribed in this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter. 10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person, and shall be surrendered to the department, within thirty days, if a group, organization, or entity that obtained the removable windshield placard due to the transportation of more than one physically disabled person no longer transports more than one disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side. 11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The removable windshield placard shall be renewed every four years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates. 12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal. 13. A windshield placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not. 14. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate. 15. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act. 16. (1) Except as otherwise provided in this subsection, every applicant for issuance of a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application, and for renewal applications a physician's statement dated no more than ninety days prior to such application shall be required every eighth year. (2) Notwithstanding any provision of law to the contrary, if the applicant has presented proof of disability in the form of a statement from the United States Department of Veterans Affairs verifying that the person is permanently disabled, the applicant shall not be required to provide a physician's statement for the purpose of issuance or renewal of disabled person license plates or windshield placards. (3) Notwithstanding the provisions of paragraph (f) of subdivision (4) of subsection 1 of this section, any person seventy-five years of age or older who provided a physician's statement with the original application shall not be required to provide a physician's statement for the purpose of renewal of disabled person license plates or windshield placards. 17. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, or the Missouri state board of nursing established in section 335.021, with respect to physician's statements signed by advanced practice registered nurses, or the Missouri state board of chiropractic examiners established in section 331.090, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, with respect to physician's statements signed by physicians of the foot or

podiatrists to determine whether the physician is duly licensed and registered pursuant to law. 18. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director shall, in cooperation with the boards which shall assist the director, establish a list of all Missouri physicians and other authorized health care practitioners and of any other information necessary to administer this section. 19. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit a statement stating this fact, in addition to the physician's statement. The statement shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this statement with each application for license plates. No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420. 20. The director of revenue shall retain all physicians' statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards. 21. The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons. 22. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of the decedent or such other person who may come into or otherwise take possession of the disabled license plates or disabled windshield placard shall return the same to the director of revenue under penalty of law. Failure to return such plates or placards shall constitute a class B misdemeanor. 23. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards. 24. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter. 25. In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be four dollars. 26. Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis. ---------- (L. 1977 H.B. 367, et al. § 1, A.L. 1981 H.B. 511, A.L. 1982 H.B. 1489, A.L. 1983 H.B. 149, et al., A.L. 1986 H.B. 1062 & 929, A.L. 1987 H.B. 605, A.L. 1991 S.B. 177, A.L. 1995 S.B. 70, A.L. 1997 H.B. 389, A.L. 1998 H.B. 1092 merged with H.B. 1410 merged with S.B. 649, A.L. 1999 H.B. 343 merged with S.B. 19, A.L. 2001 S.B. 111, A.L. 2003 H.B. 491, A.L. 2004 S.B. 1233, et al., A.L. 2006 H.B. 1762, A.L. 2007 S.B. 82, A.L. 2010 S.B. 754, A.L. 2015 S.B. 254, A.L. 2018 S.B. 881, A.L. 2024 S.B. 912) *Section 301.129 was repealed by H.B. 1298 Revision, 2014. CROSS REFERENCE: Designated disabled parking spaces, use of, when, 304.079 (1998) Two dollar fee for handicapped tags violated Americans With Disabilities Act, McGarry v. Director, Department of Revenue, 7 F.Supp.2d 1022 (W.D.Mo.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.143 - Parking space for physically disabled may be established by political subdivisions and others — signs, violations, enforcement, penalty — handicap and handicapped prohibited on signage, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.143. Parking space for physically disabled may be established by political subdivisions and others — signs, violations, enforcement, penalty — handicap and handicapped prohibited on signage, when. —1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142. 2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording such as "Accessible Parking" to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "$50 to $300 fine.". Beginning August 28, 2011, when any political subdivision or owner of private property restripes a parking lot or constructs a new parking lot, one in every four accessible spaces, but not less than one, shall be served by an access aisle a minimum of ninety-six inches wide and shall be designated "lift van accessible only" with signs that meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. 3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public off-street parking facility or any other owner of private property may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. 4. The local police or sheriff's department may cause the removal of any vehicle not displaying a distinguishing license

plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility and may include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates or a card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle. 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated by political subdivisions in residential areas for the exclusive use of vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to this subsection and any such space shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue. 6. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of a class B misdemeanor. 7. Law enforcement officials may enter upon private property open to public use to enforce the provisions of this section and section 301.142, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. 8. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to August 28, 2011, shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate. 9. Beginning August 28, 2011, all new signs erected under this section shall not contain the words "Handicap Parking" or "Handicapped Parking". ---------- (L. 1981 H.B. 511 § 8, A.L. 1986 H.B. 1062 & 929, A.L. 1997 H.B. 389, A.L. 1998 H.B. 1410, A.L. 2004 S.B. 1233, et al., A.L. 2011 H.B. 555)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.144 - Personalized license plates, appearance, fees — new plates every three years without charge — obscene or offensive plates prohibited — amateur radio operators, plates, how marked — repossessed vehicles, placards — retired U.S. military plates, how marked.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.144. Personalized license plates, appearance, fees — new plates every three years without charge — obscene or offensive plates prohibited — amateur radio operators, plates, how marked — repossessed vehicles, placards — retired U.S. military plates, how marked. —1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No two owners shall be issued identical plates. An owner shall make a new application and pay a new fee each year such owner desires to obtain or retain special personalized license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be replaced with new plates every three years without any additional charge, above the fee established in this section, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made. 2. Upon application for a personalized plate by the owner of a motor vehicle for which the owner has no registration plate available for transfer as prescribed by section 301.140, the director shall issue a temporary permit authorizing the operation of the motor vehicle until the personalized plate is issued. 3. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found. The director may recall any personalized license plates, including those issued prior to August 28, 1992, if the director determines that the plates are obscene, profane, patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an

unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found. Where the director recalls such plates pursuant to the provisions of this subsection, the director shall reissue personalized license plates to the owner of the motor vehicle for which they were issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the standards established pursuant to this section. The director shall not apply the provisions of this statute in a way that violates the Missouri or United States Constitutions as interpreted by the courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle license plates is to identify motor vehicles. Nothing in the issuance of a personalized license plate creates a designated or limited public forum. Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes. 4. The director may also establish categories of special license plates from which license plates may be issued. Any such person, other than a person exempted from the additional fee pursuant to subsection 7 of this section, that desires a personalized special license plate from any such category shall pay the same additional fee and make the same kind of application as that required by subsection 1 of this section, and the director shall issue such plates in the same manner as other personalized special license plates are issued. 5. The director of revenue shall issue to residents of the state of Missouri who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7 of this section, personalized special license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission to the applicant with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission to the applicant. An owner making a new application and paying a new fee to retain an amateur radio license plate may request a replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". If application is made to retain a plate that is three years old or older, the replacement plate shall be issued upon the payment of required fees. 6. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word "Repossessed", provided such business pays the license fees presently required of a manufacturer, distributor, or dealer in section 301.560. Such placard shall bear a number and shall be in such form as the director of revenue shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the repossessed motor vehicle or trailer. 7. Notwithstanding any provision of law to the contrary, any person who has retired from any branch of the United States Armed Forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision of any such services shall be exempt from the additional fee required for personalized license plates issued pursuant to section 301.441. As used in this subsection,"retired"means having served twenty or more years in the appropriate branch of service and having received an honorable discharge. ---------- (L. 1977 H.B. 367, et al. § 2, A.L. 1979 S.B. 12, A.L. 1983 H.B. 149, et al., A.L. 1984 S.B. 505 & 471, A.L. 1989 S.B. 209, A.L. 1992 S.B. 607, A.L. 1993 S.B. 329, A.L. 1995 S.B. 3 and A.L. 1995 S.B. 70, A.L. 2001 S.B. 13, A.L. 2002 H.B. 2008, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82, A.L. 2016 H.B. 2380) (1990) Where statute explicitly provides that no plate shall be issued containing any profane or obscene word or phrase, department of revenue regulation purporting to prohibit inflammatory or patently offensive words or phrases or words conflicting with overriding public policy from appearing on personalized license plates went beyond authority granted by statute and regulation was void to extent it exceeded authority in statute. Carr v. Director of Revenue, 799 S.W.2d 124 (Mo. App.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.145 - Congressional Medal of Honor, special license plates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.145. Congressional Medal of Honor, special license plates. —Any person who has been awarded the Congressional Medal of Honor may apply for special motor vehicle license plates for any vehicle he or she owns, either solely or jointly, other than commercial vehicles weighing over twenty-four thousand pounds, as provided in this section. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of receipt of the Congressional Medal of Honor as the director may require. The director shall then issue license plates bearing the words "CONGRESSIONAL MEDAL OF HONOR" in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. There shall be no fee charged in addition to regular registration fees for license plates issued under this section. ---------- (L. 1986 H.B. 1062 & 929, A.L. 1995 S.B. 70, A.L. 2016 H.B. 2380, A.L. 2018 H.B. 1503 merged with S.B. 881)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.146 - Law enforcement or public safety agency may request special licenses, granted when — confidentiality.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.146. Law enforcement or public safety agency may request special licenses, granted when — confidentiality. —1. Any federal, state, county or municipal law enforcement or public safety agency may request the issuance of special license plates and drivers licenses. Upon receipt of such a request, the director of revenue shall determine whether or not the special license plates and drivers licenses are to be used for a legitimate law enforcement or public safety purpose and if he so determines then the director of revenue shall issue the special license plates and drivers licenses subject to such conditions as he shall decide, in a form prescribed by the advisory committee established in section 301.129*, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. All decisions of the director of revenue relating to the special law enforcement or public safety license plates or drivers licenses shall be final. 2. Notwithstanding any other provision of law to the contrary, records pertaining to the request for, issuance of, retention of or disposal of special license plates and drivers licenses issued for law enforcement or public safety purposes as provided for in this section shall not be subject to public disclosure and shall be held by the department of revenue in such a way as to keep these records confidential. ---------- (L. 1986 H.B. 957 § 1, A.L. 1995 S.B. 70) Effective 1-01-97 *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.147 - Biennial registration, requirements, fee — rulemaking authority, procedure — staggering registration periods.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.147. Biennial registration, requirements, fee — rulemaking authority, procedure — staggering registration periods. —1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of fifty-four thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements: (1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration; (2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, proof of a motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026. 2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be invalid and void. 3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period. ---------- (L. 1999 S.B. 19, A.L. 2003 S.B. 54, A.L. 2012 S.B. 470 merged with S.B. 568) Effective 7-01-15

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.149 - Proof of insurance by electronic image permitted, when — mobile electronic device defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.149. Proof of insurance by electronic image permitted, when — mobile electronic device defined. —1. Notwithstanding any law to the contrary, proof of financial responsibility required for vehicle registration under section 301.147 may be provided by displaying an electronic image of an insurance identification card on a mobile electronic device. 2. Whenever a person presents a mobile electronic device as proof of financial responsibility to any employee of the department of revenue or any agent authorized by the department of revenue under section 136.055 to register motor vehicles and trailers, the person presenting such mobile electronic device shall assume all liability for any damage that may occur to the mobile electronic device, except for damage willfully or maliciously caused by a department employee or agent. 3. When a person provides evidence of financial responsibility using a mobile electronic device pursuant to this section to any employee of the department of revenue or any agent authorized by the department of revenue under section 136.055 to register motor vehicles and trailers, such employees or agents shall only view the evidence of financial responsibility and shall not view any other content on the mobile electronic device. 4. As used in this section, the term"mobile electronic device"means any small handheld computing or communications device that has a display screen with a touch input or a miniature keyboard. ---------- (L. 2013 H.B. 322)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.150 - Sale of vehicle, procedure to follow — use of voided plates, penalty for.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.150. Sale of vehicle, procedure to follow — use of voided plates, penalty for. —1. License plates issued to owners of motor vehicles registered pursuant to the monthly series system of registration as provided in section 301.030 shall be removed on the sale or transfer of ownership of such vehicles. The plates, if still current, may thereafter be retained and preserved by the person to whom issued, to be fastened to such other motor vehicles as such person shall thereafter register in the person's name. 2. If application for registration of another motor vehicle is not made to the director of revenue within one year following the sale or transfer of ownership of a motor vehicle, the license plates held by the person who sold or transferred ownership of such motor vehicle shall be declared void, and new license plates bearing the same numbers may be issued to another registrant. 3. It shall be unlawful to fasten voided plates to any motor vehicle. Violation of this section shall be punishable under section 301.440. ---------- (L. 1947 V. I p. 380 § 8369e, A.L. 1969 S.B. 242, A.L. 1977 H.B. 367, et al., A.L. 1996 H.B. 1047, A.L. 2009 H.B. 683)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.160 - License plate prima facie evidence fees paid.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.160. License plate prima facie evidence fees paid. —Upon approval of the application for registration of a motor vehicle or trailer and when the required fee has been paid to the department of revenue, the department shall forward or deliver to the applicant the registration receipt and the number of license plates prescribed for the vehicle or trailer by section 301.130, or renewal tabs if appropriate. The attachment to the motor vehicle or trailer specified in the application of current license plates shall be prima facie evidence that the fees have been paid for such license. ---------- (RSMo 1939 § 8403, A.L. 1945 p. 1223, A.L. 1945 p. 1194, A.L. 1987 S.B. 3) Prior revision: 1929 § 7785

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.175 - Maintenance trip permits for local commercial vehicle — definition — disposition of fees — utility emergencies, use of local commercial vehicles to restore service beyond license zone.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.175. Maintenance trip permits for local commercial vehicle — definition — disposition of fees — utility emergencies, use of local commercial vehicles to restore service beyond license zone. —1. Upon the application for and payment of a fee of five dollars the director of revenue shall issue a maintenance trip permit at any office issuing motor vehicle license plates. Any holder of a local commercial motor vehicle license may apply for the maintenance trip permit by certifying on the application for such a permit that the permit will be used solely for the purpose of operating the motor vehicle and its mounted equipment, while empty, to or from a place of repair or maintenance, or place where its mounted equipment may be repaired or replaced, beyond the twenty-five mile license zone. The agent or deputy of the director who issues the permit shall enter on such permit the name of the registered owner of the vehicle, the address of the place to which the vehicle is registered, the place of origin for the trip, the destination for the trip, the number of the local commercial license issued for that vehicle, the vehicle make and year model, and the date, time and place of issuance. 2. Possession of a duly issued permit shall entitle the operator of a locally licensed commercial vehicle to operate the vehicle beyond the twenty-five mile commercial zone for which licensed for the purposes set out in subsection 1 of this section. 3."Maintenance trip permit", as used in this section, means a trip permit issued as a supplement to a local commercial license for the sole purpose of allowing the operation of a vehicle licensed as a local commercial vehicle, while empty, to or from a place of repair or maintenance within a period of ten days from the time of issuance. 4. All fees collected by the director of revenue under the provisions of this section shall be deposited with the state treasurer to the credit of the state highways and transportation department fund. 5. Notwithstanding any other provision of law to the contrary, whenever a public utility, as defined in section 386.020, has customers without utility service due to a weather-related or other type of emergency, the public utility may use locally licensed commercial vehicles to make service restoration trips to the areas of the service outages, even if such areas are outside the twenty-five-mile commercial license zone. The vehicles may operate in the areas of service outages until service is restored, and then such vehicles may make the return trip to their local area. ---------- (L. 1965 p. 469 § 1, A.L. 1989 S.B. 238)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.190 - Certificate of registration — application, contents — special requirements, certain vehicles — fees — failure to obtain within time limit, delinquency penalty — duration of certificate — unlawful to operate without certificate — certain vehicles brought into state in a wrecked or damaged condition or after being towed, inspection — certain vehicles previously registered in other states, designation — reconstructed motor vehicles, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.190. Certificate of registration — application, contents — special requirements, certain vehicles — fees — failure to obtain within time limit, delinquency penalty — duration of certificate — unlawful to operate without certificate — certain vehicles brought into state in a wrecked or damaged condition or after being towed, inspection — certain vehicles previously registered in other states, designation — reconstructed motor vehicles, procedure. —1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 or subsection 5 of section 301.210 in which case the applicant shall make application

within thirty days after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership. 2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown. 3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either: (1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or (2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information. 4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable. 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, or where the motor vehicle was acquired under section 301.213 or subsection 5 of section 301.210 and the applicant fails to make application within thirty days after receiving title from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor vehicle was acquired under section 301.213 or subsection 5 of section 301.210 and the applicant fails to make application within thirty days after receiving title from the dealer, or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually. 6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee. 7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section. 8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund. 9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall

be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner. 10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin. 11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle. 12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation. 13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle". 14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section. 15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by: (1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished; (2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle; (3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and (4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. --The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol. ---------- (RSMo 1939 § 8382, A.L. 1947 V. I p. 380, A.L. 1965 p. 470, A.L. 1981 H.B. 511, A.L. 1983 H.B. 149, et al., A.L. 1984 H.B. 1045, A.L. 1985 H.B. 280, et al., A.L. 1986 H.B. 1367 & 1573, A.L. 1986 H.B. 1153, A.L. 1987 H.B. 605, A.L. 1988 H.B. 1581, A.L. 1989 H.B. 211, A.L. 1990 H.B. 1279, A.L. 1992 H.B. 884, A.L. 1997 S.B. 361, A.L. 1999 S.B. 19, A.L. 2003 H.B. 600, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487 merged with S.B. 488, A.L. 2006 S.B. 583, A.L. 2007 S.B. 82, A.L. 2009 H.B. 269, A.L. 2012 H.B. 1150 merged with S.B. 568, A.L. 2015 S.B. 456, A.L. 2020 H.B. 1963) CROSS REFERENCE: Security interests in motor vehicles and trailers to be shown on certificate of title, 301.600

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.191 - Certificate of ownership, homemade trailers — inspection, fee — manufacturers' identifying number plate.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.191. Certificate of ownership, homemade trailers — inspection, fee — manufacturers' identifying number plate. —1. When an application is made for an original Missouri certificate of ownership for a previously untitled trailer which is stated to be homemade, the applicant shall present a certificate of inspection as provided in this section. No certificate of ownership shall be issued for such a homemade trailer if no certificate of inspection is presented. 2. As used in this section,"homemade"means made by a person who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a statement of origin. 3. Every person constructing a homemade trailer shall obtain an inspection from the sheriff of his or her county of residence or from the Missouri state highway patrol prior to applying for a certificate of ownership. If the person constructing the trailer sells or transfers the trailer prior to applying for a certificate of ownership, the sheriff's or the Missouri state highway patrol's certificate of inspection shall be transferred with the trailer. 4. A fee of twenty-five dollars shall be paid for the inspection. If the inspection is completed by the sheriff, the proceeds from the inspections shall be deposited by the sheriff within thirty days into the county law enforcement fund if one exists; otherwise into the county general revenue fund. If the inspection is completed by the Missouri state highway patrol, the applicant shall pay the twenty-five dollar inspection fee to the director of revenue at the time of application for a certificate of ownership for the homemade trailer. The fee shall be deposited in the state treasury to the credit of the state highway fund. 5. The sheriff or Missouri state highway patrol shall inspect the trailer and certify it if the trailer appears to be homemade. The sheriff or Missouri state highway patrol may request the owner to provide any documents or other evidence showing that the trailer was homemade. When a trailer is certified by the sheriff, the sheriff may stamp a permanent identifying number in the tongue of the frame. The certificate of inspection shall be on a form designed and provided by the director of revenue. 6. Upon presentation of the certificate of inspection and all applicable documents and fees including the identification plate fee provided in section 301.380, the director of revenue shall issue a readily distinguishable manufacturers' identifying number plate. The identification number plate shall be affixed to the tongue of the trailer's frame. 7. The sheriff or Missouri state highway patrol may seize any trailer which has been stolen or has identifying numbers obliterated or removed. The sheriff or Missouri state highway patrol may hold the trailer as evidence while an investigation is conducted. The trailer shall be returned if no related criminal charges are filed within thirty days or when the charges are later dropped or dismissed or when the owner is acquitted. ---------- (L. 1998 H.B. 1528, A.L. 1999 S.B. 19, A.L. 2019 S.B. 89)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.192 - Bonded vehicles, certificate of ownership may be issued, requirements — bond, release of, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.192. Bonded vehicles, certificate of ownership may be issued, requirements — bond, release of, when. —1. In addition to any other requirements of section 301.190, when application is made for a certificate of ownership for a motor vehicle or trailer seven years old or older and the value of vehicle does not exceed three thousand dollars, for which no record of any prior application for a certificate of ownership exists in the records of the director of revenue or for which the records of the director of revenue reflect incomplete or conflicting documentation of ownership, the director of revenue may issue a certificate of ownership, not less than thirty days after receiving the completed application, provided it is accompanied by: (1) An affidavit explaining how the motor vehicle or trailer was acquired and the reasons a valid certificate of ownership cannot be furnished; (2) Presentation of all evidence of ownership in the applicant's possession; (3) Title verification from a state in which the vehicle was previously titled or registered if known, provided the vehicle was so previously titled or registered; (4) A notarized lien release from any lienholder of record; (5) A vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of the vehicle's identification number and a determination that the vehicle has not been reported stolen in Missouri or any other state. The fee for the vehicle examination certificate shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application; (6) A statement certifying the odometer reading of the motor vehicle if less than twenty years of age; and (7) A surety bond or a suitable financial security instrument in a form prescribed by the director of revenue and executed by the applicant and a person authorized to conduct surety business in this state. The bond shall be an amount equal to two times the value of the vehicle as determined by the Kelly Blue Book, NADA Used Car Guide or two appraisals from a licensed motor vehicle dealer. The bond shall be for a minimum of one hundred dollars and conditioned to indemnify any prior owner or lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage including reasonable attorneys fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years, unless the department has been notified of the pendency of an action to recover on the bond. 2. Upon satisfaction with the genuineness of the application and supporting documents, the director of revenue shall issue a new certificate of ownership. The certificate of ownership shall appropriately be

designated with the words "BONDED VEHICLE". ---------- (L. 1990 H.B. 1279, A.L. 2021 S.B. 262)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.193 - Abandoned property, titling of, privately owned real estate, procedure — salvage or junking certificate authorized, when — watercraft titled through claims adjustment process, certificate of title authorized, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.193. Abandoned property, titling of, privately owned real estate, procedure — salvage or junking certificate authorized, when — watercraft titled through claims adjustment process, certificate of title authorized, when. —1. Any person who purchases or is the owner of real property on which vehicles, as defined in section 301.010, vessels or watercraft, as defined in section 306.010, or outboard motors, as that term is used in section 306.530, have been abandoned, without the consent of said purchaser or owner of the real property, may apply to the department of revenue for a certificate of title. Any insurer which purchases a vehicle through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make an application to the department of revenue for a salvage certificate of title pursuant to this section. Prior to making application for a certificate of title on a vehicle under this section, the insurer or owner of the real estate shall have the vehicle inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law enforcement perform a check in the national crime information center and any appropriate statewide law enforcement computer to determine if the vehicle has been reported stolen and the name and address of the person to whom the vehicle was last titled and any lienholders of record. The insurer or owner or purchaser of the real estate shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply for a certificate of title from the director for the abandoned vehicle. The application for title shall be accompanied by: (1) A statement explaining the circumstances by which the property came into the insurer, owner, or purchaser's possession; a description of the property including the year, make, model, vehicle identification number, and any decal or license plate that may be affixed to the vehicle; the current location of the property; and the retail value of the property; (2) An inspection report of the property, if it is a vehicle, by a law enforcement agency pursuant to subsection 9 of section 301.190; and (3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any person holding a valid security interest of record. 2. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day or forty-five-day notice period, as applicable, and may file a petition to recover the vehicle, naming the insurer described in subsection 1, 3, or 6 of this section, as applicable; a salvage pool or salvage dealer and dismantler described in subsection 4 of this section; a used motor vehicle dealer described in subsection 5 of this section; or the owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following: (1) An original certificate of title if the vehicle examination certificate, as provided in section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt; (2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt; (3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the property as stated in the inspection report. An insurer purchasing a vehicle through the claims adjustment process under this section shall only be eligible to obtain a salvage certificate of title or junking certificate. A salvage pool or salvage dealer and dismantler described in subsection 4 of this section or a used motor vehicle dealer described in subsection 5 of this section shall only be eligible to obtain a salvage certificate of title or junking certificate. 3. Any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were sent to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the insurer, the director shall inform the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or lienholder of the insurer's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the insurer. 4. Any salvage pool or salvage dealer and dismantler that takes possession of a vehicle at the request of an insurer when the insurer

does not purchase the vehicle through the claims adjustment process may apply to the department for a salvage certificate of title or junking certificate in the name of the salvage pool or salvage dealer and dismantler if the vehicle has remained unclaimed on the salvage pool's or salvage dealer and dismantler's premises for more than forty-five days. The salvage pool or salvage dealer and dismantler shall, forty-five days prior to making application for title, notify any owners or lienholders of record for the vehicle that the salvage pool or salvage dealer and dismantler intends to apply to the director for a certificate of title for the vehicle unless the owner or lienholder removes the vehicle from the salvage pool's or salvage dealer and dismantler's premises within the forty-five days. The application for title shall be on a form provided by the department, signed under penalty of perjury, and shall be accompanied by: (1) A statement explaining the circumstances by which the vehicle came into the salvage pool's or salvage dealer and dismantler's possession; a description of the vehicle including the year, make, model, and vehicle identification number; the current location of the property; and the fee prescribed in subsection 5 of section 301.190; (2) A copy of the forty-five-day notice and certified mail receipt mailed, or proof that the request was delivered by a nationally recognized courier service, to any owner and any person holding a valid security interest of record; and (3) If the vehicle is not currently titled in Missouri, an inspection report of the vehicle by a law enforcement agency pursuant to subsection 9 of section 301.190. --Upon receipt of the application and supporting documents, the director shall search the records of the department, or initiate an inquiry with another state if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the salvage pool or salvage dealer and dismantler, the director shall inform the salvage pool or salvage dealer and dismantler of such additional owner or lienholder and the salvage pool or salvage dealer and dismantler shall notify the additional owner or lienholder of the salvage pool's or salvage dealer and dismantler's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the salvage pool or salvage dealer and dismantler. 5. Any used motor vehicle dealer that takes possession of a vehicle at the request of an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code when such organization does not provide the used motor vehicle dealer with a negotiable title may apply to the department of revenue for a salvage certificate of title or junking certificate in the name of the used motor vehicle dealer if the vehicle has remained unclaimed on the used motor vehicle dealer's premises for more than forty-five days. The used motor vehicle dealer shall, forty-five days prior to making application for title, notify any owners or lienholders of record for the vehicle that the used motor vehicle dealer intends to apply for a certificate of title from the director for the vehicle unless the owner or lienholder removes the vehicle from the used motor vehicle dealer's premises within the forty-five days. The application for title shall be on a form provided by the department, signed under penalty of perjury, and shall be accompanied by: (1) A statement explaining the circumstances by which the vehicle came into the used motor vehicle dealer's possession; a description of the vehicle including the year, make, model, and vehicle identification number; the current location of the property; and the fee prescribed in subsection 5 of section 301.190; (2) A copy of the forty-five-day notice and certified mail receipt mailed, or proof that the request was delivered by a nationally recognized courier service, to any owner and any person holding a valid security interest of record; and (3) If the vehicle is not currently titled in Missouri, an inspection report of the vehicle by a law enforcement agency pursuant to subsection 9 of section 301.190. --Upon receipt of the application and supporting documents, the director shall search the records of the department, or initiate an inquiry with another state if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the used motor vehicle dealer, the director shall inform the used motor vehicle dealer of such additional owner or lienholder and the used motor vehicle dealer shall notify the additional owner or lienholder of the used motor vehicle dealer's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the used motor vehicle dealer. 6. Any insurer that purchases a vessel or watercraft that is currently titled in Missouri through the claims adjustment process and for which the insurer is unable to obtain a negotiable title may make application to the department for a certificate of title. Such application may be made by the insurer or its designated salvage pool or salvage dealer and dismantler on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title and be accompanied by proof of claims payment from the insurer; evidence that letters were sent to the vessel or watercraft owner; a statement explaining the circumstances by which the property came into the insurer's possession; a description of the property including the year, make, and hull identification number; the current location of the property; and the fee prescribed in subsection 3 of section 306.015. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vessel or watercraft that the insurer intends to apply to the director for a certificate of title for the vessel or watercraft. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the insurer, the director shall inform the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or lienholder of the insurer's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a certificate of title for the vessel or watercraft in the name of the insurer. ---------- (L. 2002 H.B. 1075, A.L. 2004 S.B. 1233, et al., A.L. 2012 H.B. 1150 merged with S.B. 568, A.L. 2013 H.B. 428 merged with S.B. 148, A.L. 2020 H.B. 1963)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.196 - Transferors of interest in motor vehicles or trailers, notice to revenue, when, form — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.196. Transferors of interest in motor vehicles or trailers, notice to revenue, when, form — exceptions. —1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain: (1) The name of the transferor; (2) A description of the motor vehicle or trailer sufficient to identify it; (3) The vehicle identification number of the motor vehicle or trailer; (4) The name and address of the transferee; (5) The date of birth of the transferee, unless the transferee is not a natural person; (6) The date of the transfer or sale; (7) The purchase price of the motor vehicle or trailer, if applicable; (8) The number of the transferee's drivers license, unless the transferee does not have a drivers license; (9) The transferor's electronic signature if transmitted electronically or the signatures of the transferee and transferor if not submitted electronically. For the purposes of this section, "transmitted electronically" shall have the same meaning as an electronic signature as defined in section 432.205; (10) Any other information required by the department by rule. 2. A notice of sale substantially complying with the requirements of this section is effective even though it contains minor errors which are not materially misleading. 3. For purposes of giving notice under this section, if the transfer occurs by operation of law, the personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice. 4. The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or transfers of ownership of a motor vehicle or trailer to an insurance company due to a theft or casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust. 5. Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle. 6. Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280. ---------- (L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82, A.L. 2015 H.B. 686 merged with S.B. 254)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.197 - Notification of transfer of interest included in revenue records, when — application for new title, failure to apply, effect — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.197. Notification of transfer of interest included in revenue records, when — application for new title, failure to apply, effect — rulemaking authority. —1. Beginning January 1, 2006, upon receipt of a notification of transfer described in section 301.196, the department shall make a notation on its records indicating that it has received notification that an interest in the motor vehicle or trailer has been transferred. The notation shall be made whether or not the form submitted to the department contains all the information required by section 301.196, so long as there is sufficient information to identify the motor vehicle or trailer and the name and address of the transferee. Thereafter, until a new title is issued, when the department is asked or is required by law to provide the name of the owner or lienholder of a motor vehicle or trailer as shown on its records, the department shall provide the name of the owner or lienholder recorded on the latest title or lien perfection of record and indicate that department records show a notification of transfer but do not show a title transfer. The department shall also provide the name of the transferee, if otherwise permitted by law, if it is shown on the form submitted by the transferor pursuant to section 301.196. 2. If the department does not receive an application for title from the person named as transferee in a form submitted pursuant to section 301.196 within sixty days of the receipt of the form, the department shall notify the transferee to apply for title. Notification shall be made as soon after the sixtieth day after receipt of the form as is convenient for the department. The provisions of this subsection shall be in addition to the requirements of section 301.190. 3. The department may adopt rules for the implementation of section 301.196 and this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Notwithstanding section 226.200 to the contrary the general assembly may appropriate state highways and transportation department funds for the requirements of sections 301.196, 301.198, and 301.280, and this section. ---------- (L. 2004 S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.198 - Submitting false information about transfer of a vehicle, offense of, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.198. Submitting false information about

transfer of a vehicle, offense of, penalty. —1. Beginning January 1, 2006, a person commits the offense of knowingly submitting false information about transfer of a vehicle if the person submits a notice of transfer of an interest in a motor vehicle or trailer as described in section 301.196 to the department of revenue and the person knows that some or all of the information contained in the notice is false. The offense described in this section, knowingly submitting false information about transfer of a vehicle, is a class C misdemeanor. 2. Any person who fails to submit the required notice pursuant to section 301.196 shall be guilty of an infraction. If the failure to submit the required notice was done to assist the transferee to avoid applying for title, paying applicable registration fees or other fraudulent purposes, then the person shall be guilty of a class C misdemeanor. ---------- (L. 2004 S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.200 - Sales by dealers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.200. Sales by dealers. —1. In the case of dealers, a certificate of ownership or proof that a dealer has applied for a certificate of ownership or that a prior lien has been satisfied by the dealer shall be required in the case of each motor vehicle in his possession, and the director of revenue shall determine the form in which application for such certificates of ownership and assignments shall be made, in case forms differing from those used for individuals are, in his judgment, reasonably required; provided, however, that no such certificates shall be required in the case of new motor vehicles or trailers sold by manufacturers to dealers. 2. Dealers shall execute and deliver manufacturer's statements of origin in accordance with forms prescribed by the director of revenue for all new cars sold by them. On the presentation of a manufacturer's statement of origin, executed in the form prescribed by the director of revenue, by a manufacturer or a dealer for a new car sold in this state, a certificate of ownership shall be issued. 3. Each certificate of ownership issued by the department of revenue shall contain space for four assignments. On all certificates of ownership containing fewer than four assignment spaces, the director shall prescribe a secure document for use in making a fourth assignment by a dealer. All secure documents for assignments which are spoiled shall be marked "void" and shall be returned by the dealer to the department of revenue at the end of each month. ---------- (RSMo 1939 § 8382, A.L. 1947 V. I p. 380, A.L. 1984 S.B. 656, A.L. 1986 H.B. 1153, A.L. 2007 S.B. 82) Prior revision: 1929 § 7774 (1969) Dealer's execution and delivery of a bill of sale for an automobile was not a prerequisite to the passing of title to the automobile. Galemore v. Mid-West National Fire and Casualty Ins. Co. (A.), 443 S.W.2d 194.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.210 - Sale and transfer of vehicles, procedure — assignment of certificate — new certificate — notice of sale to nonresident — director of revenue to keep file — motor vehicle dealer, certificate of ownership requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.210. Sale and transfer of vehicles, procedure — assignment of certificate — new certificate — notice of sale to nonresident — director of revenue to keep file — motor vehicle dealer, certificate of ownership requirements. —1. In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the director of revenue, with a statement of all liens or encumbrances on such motor vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of such motor vehicle or trailer; provided that, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.575*, the provisions of subdivision (3) of subsection 7 of section 144.070 shall not apply. 2. The buyer shall then present such certificate, assigned as aforesaid, to the director of revenue, at the time of making application for the registration of such motor vehicle or trailer, whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being that prescribed in subsection 5 of section 301.190. 3. If such motor vehicle or trailer is sold to a resident of another state or country, or if such motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately notify the director of revenue. Certificates when so signed and returned to the director of revenue shall be retained by the director of revenue and all certificates shall be appropriately indexed so that at all times it will be possible for him to expeditiously trace the ownership of the motor vehicle or trailer designated therein. 4. It shall be unlawful for any person to buy or sell in this state any motor vehicle or trailer registered under the laws of this state, unless, at the time of the delivery thereof, there shall pass between the parties such certificates of ownership with an assignment thereof, as provided in this section, and the sale of any motor vehicle or trailer registered under the laws of this state, without the assignment of such certificate of ownership, shall be presumed fraudulent and void unless the parties have executed a written agreement for delayed delivery of certificate of ownership as provided in subsection 5 of this section. 5. (1) A motor vehicle dealer licensed under sections 301.550 to 301.580 may deliver a motor vehicle or trailer to a purchaser with a written agreement to pass the certificate of ownership with an assignment to the purchaser within thirty days after delivery, inclusive of weekends and holidays. (2) The form of the agreement shall be prescribed by the director of revenue. The agreement shall provide that if the motor vehicle dealer does not pass the certificate of ownership with an assignment to the purchaser within thirty days that the sale shall be voidable at purchaser's option and, in such case, dealer shall repurchase the vehicle by paying and satisfying in full any purchase money lien against the vehicle, including accrued penalties and fees, with the remainder of one hundred percent of the sale price refunded and paid by the dealer to the buyer. As used in this subdivision, the term"sale price"shall include the negotiated price of the vehicle, the down payment, the trade-in allowance even if the allowance reflected negative equity, and the price of all optional services and products sold to the

buyer under the sales and finance transaction. (3) In the event a motor vehicle subject to this subsection has suffered physical damage covered by the purchaser's vehicle insurance policy and the vehicle is determined by the insurance company to be a total loss, the insurance company may satisfy the claim in full, with respect to the damage to the vehicle, by transferring all proceeds to such purchaser and any secured lienholder of record. The purchaser shall not assign the purchaser's corresponding insurance benefits to any party without the express written permission of the insurer. In conjunction with such satisfaction of the claim, if as part of such claim settlement the insurance company is to receive the vehicle under subdivision (4) of this subsection, but clear title never vests with the purchaser within the thirty-day period after the date of sale prescribed by subdivision (2) of this subsection or within ten days of the claim settlement date, whichever is later, the insurance company shall notify the dealer that clear title never vested with the purchaser and the dealer shall reimburse the insurance company for the salvage value of such vehicle as determined in the claims settlement with the purchaser, and in exchange the insurance company shall assign its rights to the vehicle back to the dealer. If the dealer fails to make payment to the insurance company within fifteen days of receiving notice, the dealer shall be liable to the insurance company for the value of the salvage as determined in the claims settlement with the purchaser, plus any actual damages and any applicable court costs, in return for the right to acquire the title and apply for a salvage title under this chapter. (4) Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use a dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate under subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use a dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership. (5) No motor vehicle dealer shall be authorized under this subsection to enter and have outstanding any such written agreements until such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in an amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer. ---------- (RSMo 1939 § 8382, A.L. 1947 V. I p. 380, A.L. 1984 H.B. 1045, A.L. 1991 H.B. 261, A.L. 1997 S.B. 59 merged with S.B. 316, A.L. 2020 H.B. 1963) Prior revisions: 1929 § 7774; 1919 § 7561 *Section 301.575 was repealed by S.B. 52, 1993. (1957) Section 301.210 applies to all sales of motor vehicles made in Missouri whether the vehicles were previously registered in this state or not. Lebcowitz v. Simms (A.), 300 S.W.2d 827. (1957) This section does not apply to new car sales, and sale of new car to person who procured Indiana title therefor was valid. Stephen Burns, Inc. v. Trantham (A.), 305 S.W.2d 66. (1959) So long as the certificate of title to a vehicle is not assigned and delivered, the buyer may repudiate his contract of purchase and may recover what he has paid if within a reasonable time he returns the vehicle in as good condition as when he received it. Matthews v. Truxton Parts, Inc. (A.), 327 S.W.2d 28. (1960) Tender of assigned certificate of ownership to the buyer approximately two weeks after automobile was delivered constituted compliance with provision of this section requiring delivery at the time of delivery of motor vehicle. Ashby v. National Bond Finance Company (A.), 343 S.W.2d 218. (1964) Where no certificate of title was delivered to purported purchaser of automobile at the time the purchase money was paid, the sale was void. Galati v. New Amsterdam Casualty Co. (A.), 381 S.W.2d 5. (1964) Purported purchaser of a motor vehicle to whom a properly-assigned certificate of ownership is not passed at the time of delivery of the vehicle not only does not become the owner thereof but also does not acquire any insurable interest therein. Moore v. State Farm Mutual Automobile Insurance Company (A.), 381 S.W.2d 161. (1965) Failure to acknowledge assignment of automobile title certificates before a notary public in accordance with forms prescribed by director of revenue results in certificate not being sufficient to vest legal title. Commercial Credit Corp. v. Blau (Mo.), 393 S.W.2d 558. (1969) The clear legislative intent is to outlaw and render void an agreement to sell, as well as an actual sale of a motor vehicle when made contrary to the provisions of this section. Greer v. Zurich Insurance Co. (Mo.), 441 S.W.2d 15. (1969) The provisions of this section are mandatory and failure of seller of motor vehicle to endorse an assignment of the certificate of title, together with a statement of all liens and encumbrances, renders the sale fraudulent and void, the seller transfers no title and the buyer acquires no interest which can be insured or mortgaged. Merchants Produce Bank v. Mack Trucks, Inc. (A.), 411 F.2d 1174. (1974) Held that this section applies even though title in question originated in Maryland. This section applies to all sales made in Missouri. Fawley v. Bailey (A.), 512 S.W.2d 477. (1976) The mandatory requirements of this section are intended to hamper traffic in stolen vehicles and to reduce fraud and deceit in the sale of used cars. A certificate of title is only prima facie evidence of ownership which may be rebutted. Case v. Universal Underwriters Ins. Co. (A.), 534 S.W.2d 635. (1977) Held, failure to comply strictly with this section left good-faith purchaser without title to a vehicle and prevented his having an insurable interest in the vehicle. Horton v. State Farm Fire & Casualty Co. (A.), 550 S.W.2d 806.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.213 - Dealers may purchase or accept in trade vehicles subject to existing liens, when — sale of vehicles subject to lien, when — replacement certificate, when — liability, when — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.213. Dealers may purchase or accept in trade vehicles subject to existing liens, when — sale of vehicles subject to lien, when — replacement certificate, when — liability, when

— violation, penalty. —1. Notwithstanding the provisions of sections 301.200 and 301.210, any person licensed as a motor vehicle dealer under sections 301.550 to 301.580 that has provided to the director of revenue a surety bond or irrevocable letter of credit in an amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer shall be authorized to purchase or accept in trade any motor vehicle for which there has been issued a certificate of ownership, and to receive such vehicle subject to any existing liens thereon created and perfected under sections 301.600 to 301.660 provided the licensed dealer receives the following: (1) A signed written contract between the licensed dealer and the owner of the vehicle outlining the terms of the sale or acceptance in trade of such motor vehicle without transfer of the certificate of ownership; and (2) Physical delivery of the vehicle to the licensed dealer; and (3) A power of attorney from the owner to the licensed dealer, in accordance with subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf. 2. If the dealer complies with the requirements of subsection 1 of this section, the sale or trade of the vehicle to the dealer shall be considered final, subject to any existing liens created and perfected under sections 301.600 to 301.660. Once the prior owner of the motor vehicle has physically delivered the motor vehicle to the licensed dealer, the prior owners' insurable interest in such vehicle shall cease to exist. 3. If a licensed dealer complies with the requirements of subsection 1 of this section, and such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer, such dealer may sell such vehicle prior to receiving and assigning to the purchaser the certificate of ownership, provided such dealer complies with the following: (1) All outstanding liens created on the vehicle pursuant to sections 301.600 to 301.660 have been paid in full, and the dealer provides a copy of proof or other evidence to the purchaser; and (2) The dealer has obtained proof or other evidence from the department of revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale and provides a copy of said proof or other evidence to the purchaser; and (3) The dealer has obtained proof or other evidence from the department of revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner and provides a copy of said proof or other evidence to the purchaser; and (4) The dealer has signed an application for duplicate or replacement title for the vehicle under subsection 4 of section 301.300 and provides a copy of the application to the purchaser, along with a copy of the power of attorney required by subsection 1 of this section, and the dealer has prepared and delivered to the purchaser an application for title for the vehicle in the purchaser's name; and (5) The dealer and the purchaser have entered into a written agreement for the subsequent assignment and delivery of such certificate of ownership, on a form prescribed by the director of revenue, to take place at a time, not to exceed sixty calendar days, after the time of delivery of the motor vehicle to the purchaser. Such agreement shall require the purchaser to provide to the dealer proof of financial responsibility in accordance with chapter 303 and proof of comprehensive and collision coverage on the motor vehicle. Such dealer shall maintain the original or an electronic copy of the signed agreement and deliver a copy of the signed agreement to the purchaser. Such dealer shall also complete and deliver to the director of revenue such form as the director shall prescribe demonstrating that the purchaser has purchased the vehicle without contemporaneous delivery of the title. --Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use the dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate pursuant to the provisions of subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use the dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership. 4. Following a sale or other transaction in which a certificate of ownership has not been assigned from the owner to the licensed dealer, the dealer shall, within ten business days, apply for a duplicate or replacement certificate of ownership. Upon receipt of a duplicate or replacement certificate of ownership applied for under subsection 4 of section 301.300, the dealer shall assign and deliver said certificate of ownership to the purchaser of the vehicle within five business days. The dealer shall maintain proof of the assignment and delivery of the certificate of ownership to the purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate of ownership to the purchaser upon either: (1) Physical delivery of the certificate of ownership to any of the purchasers identified in the contract with such dealer; or (2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with such dealer. 5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. 6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing

the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle. 7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and the dealer, the owner, any subsequent purchaser, or any prior or subsequent lienholder is thereby damaged, then the seller shall be liable to each such party for actual and punitive damages, plus court costs and reasonable attorney fees. 8. When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or violations of this section, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees. 9. No court costs or attorney fees shall be awarded under this section unless, prior to filing any such action, the following conditions have been met: (1) The aggrieved party seeking damages has delivered an itemized written demand of the party's actual damages to the party from whom damages are sought; and (2) The party from whom damages are sought has not satisfied the written demand within thirty days after receipt of the written demand. 10. The department of revenue may use a dealer's repeated or intentional violation of this section as a cause to suspend, revoke, or refuse to issue or renew any license required pursuant to sections 301.550 to 301.580, in addition to the causes set forth in section 301.562. The hearing process shall be the same as that established in subsection 6 of section 301.562. 11. No dealer shall enter into a contract under this section after December 31, 2020. Any contract entered into prior to December 31, 2020, shall be enforceable as provided in this section. This section shall be repealed effective December 31, 2020. ---------- (L. 2015 S.B. 456, A.L. 2018 S.B. 707, A.L. 2020 H.B. 1963) Expires 12-31-20

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.215 - Certificate of title on repossession under mortgage, issuance — contents — application — notice — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.215. Certificate of title on repossession under mortgage, issuance — contents — application — notice — rulemaking authority. —1. When the holder of any indebtedness secured by a security agreement or other contract for security covering a motor vehicle or trailer, who has a notice of lien on file with the director of revenue, repossesses the motor vehicle or trailer either by legal process or in accordance with the terms of a contract authorizing the repossession of the vehicle without legal process, the holder may obtain a certificate of ownership from the director of revenue upon presentation of: (1) An application form furnished by the director of revenue that shall contain a full description of the motor vehicle or trailer and the manufacturer's or other identifying number; (2) A notice of lien receipt or the original certificate of ownership reflecting the holder's lien; and (3) An affidavit of the holder, certified under penalties of perjury for making a false statement to a public official, that the debtor defaulted in payment of the debt, and that the holder repossessed the motor vehicle or trailer either by legal process or in accordance with the terms of the contract, and the specific address where the vehicle or trailer is held. Such affidavit shall also state that the lienholder has the written consent from all owners or lienholders of record to repossess the vehicle or has provided all the owners or lienholders with written notice of the repossession. 2. On a motor vehicle or trailer, the lienholder shall first give: (1) Ten days' written notice by first class United States mail postage prepaid to each of the owners and other lienholders, if any, of the motor vehicle or trailer at each of their last mailing addresses as shown by the last prior certificate of ownership, if any issued, or the most recent address on the lienholder's records, that an application for a repossessed title will be made; or (2) The lienholder may, ten days prior to applying for a repossession title, include the information in the above notice in the appropriate uniform commercial code notice under sections 400.9-613 or 400.9-614. Such alternative notice to all owners and lienholders shall be valid and enforceable under both the uniform commercial code and this section, provided it otherwise complies with the provisions of the uniform commercial code. 3. Upon the holder's presentation of the papers required by subsection 1 of this section and the payment of a fee of ten dollars, the director of revenue, if he is satisfied with the genuineness of the papers, shall issue and deliver to the holder a certificate of ownership which shall be in its usual form except it shall be clearly captioned "Repossessed Title". Each repossessed title so issued shall, for all purposes, be treated as an original certificate of ownership and shall supersede the outstanding certificate of ownership, if any, and duplicates thereof, if any, on the motor vehicle or trailer, all of which shall become null and void. 4. In any case where there is no certificate of ownership or duplicate thereof outstanding in the name of the debtor on the repossessed motor vehicle or trailer, the director of revenue shall issue a repossessed title to the holder and shall proceed to collect all unpaid fees, taxes, charges and penalties from the debtor as provided in section 301.190. 5. The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule

proposed or adopted after August 28, 2005, shall be invalid and void. ---------- (L. 1955 p. 618, A.L. 1965 pp. 114, 470, A.L. 1984 H.B. 1045, A.L. 1989 H.B. 211, A.L. 2005 H.B. 487, A.L. 2006 S.B. 892) (1974) Repossession proceedings under this section held not to involve sufficient state action to authorize cause of action under federal civil rights act. Nichols v. Tower Grove Bank (CA Mo.), 497 F.2d 404. (1976) Issuance of a repossessed title by director of revenue pursuant to section 301.215, RSMo, to secured creditor who had repossessed automobile by self help under power granted in security agreement did not constitute significant participation by state such as to come within legal definition of "state action", thus due process was not involved and statute was not unconstitutional. Smith v. Spradling (Mo.), 532 S.W.2d 202.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.216 - Department investigators deemed peace officers while acting in scope of authority, when — limitation on power to arrest.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.216. Department investigators deemed peace officers while acting in scope of authority, when — limitation on power to arrest. —Department investigators licensed as peace officers by the director of the department of public safety under chapter 590 shall be deemed to be peace officers within the state of Missouri while acting in an investigation to enforce the provisions of this chapter and any provisions regarding fees, licenses, or taxes administered by the director. The power of arrest of a department investigator acting as a peace officer shall be limited to offenses involving fees, licenses, taxes, or in situations of imminent danger to the investigator or another person. ---------- (L. 2012 H.B. 1402)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.217 - Definitions — salvaged motor vehicle title may be issued, when, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.217. Definitions — salvaged motor vehicle title may be issued, when, procedure. —1. As used in sections 301.217 to 301.229, the following words and phrases mean: (1)"Purchaser", the buyer of a salvage vehicle, including an insurance company for purposes of sections 301.217 to 301.229; (2)"Salvage certificate of title", the title issued by the department of revenue as proof of ownership for a salvaged vehicle, and it shall not be acceptable for the purpose of registering a motor vehicle. The salvage title shall be negotiable with one reassignment on back by registered dealers or insurance companies only. The redeemed title shall be returned in its original form; (3)"Salvage pool"or"salvage disposal sale", a scheduled sale at auction or by private bid of wrecked or repairable motor vehicles or trailers by insurance companies, underwriters, or dealers, either at retail or wholesale. 2. The department of revenue may issue a certificate of title for a salvaged motor vehicle at least twenty-five years old and if, in the judgment of the department of revenue it may be needed, require the applicant to file with the department of revenue a corporate surety bond in the form prescribed by the department and executed by the applicant, and executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. ---------- (L. 1979 H.B. 78 § 2, A.L. 1983 H.B. 149, et al., A.L. 1986 H.B. 1367 & 1573, A.L. 1988 H.B. 1581, A.L. 2004 H.B. 1284 merged with S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.218 - Licenses required for certain businesses — buyers at salvage pool or salvage disposal sale, requirements — records to be kept of sales by operator.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.218. Licenses required for certain businesses — buyers at salvage pool or salvage disposal sale, requirements — records to be kept of sales by operator. —1. No person shall, except as an incident to the sale, repair, rebuilding or servicing of vehicles by a licensed franchised motor vehicle dealer, carry on or conduct the following business unless licensed to do so by the department of revenue under sections 301.217 to 301.229: (1) Selling used parts of or used accessories for vehicles as a used parts dealer, as defined in section 301.010; (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof as a salvage dealer or dismantler, as defined in section 301.010; (3) Rebuilding and repairing four or more wrecked or dismantled vehicles in a calendar year as a rebuilder or body shop, as defined in section 301.010; (4) Processing scrapped vehicles or vehicle parts as a scrap processor, as defined in section 301.010. 2. Sales at a salvage pool or a salvage disposal sale shall be open only to and made to persons actually engaged in and holding a current license under sections 301.217 to 301.221 and 301.550 to 301.573 or any person from another state or jurisdiction who is legally allowed in his or her state of domicile to purchase for resale, rebuild, dismantle, crush, or scrap either motor vehicles or salvage vehicles, and to persons who reside in a foreign country that are purchasing salvage vehicles for export outside of the United States. Operators of salvage pools or salvage disposal sales shall keep a record, for three years, of sales of salvage vehicles with the purchasers' name

and address, and the year, make, and vehicle identification number for each vehicle. These records shall be open for inspection as provided in section 301.225. Such records shall be submitted to the department on a quarterly basis. 3. The operator of a salvage pool or salvage disposal sale, or subsequent purchaser, who sells a nonrepairable motor vehicle or a salvage motor vehicle to a person who is not a resident of the United States at a salvage pool or a salvage disposal sale shall: (1) Stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and (2) Stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license, name of the salvage pool, or the name of the governmental entity, as applicable.--The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department. --The words "FOR EXPORT ONLY" required under subdivisions (1) and (2) of this subsection shall be at least two inches wide and clearly legible. Copies of the stamped titles shall be forwarded to the department. 4. The director of revenue shall issue a separate license for each kind of business described in subsection 1 of this section, to be entitled and designated as either "used parts dealer"; "salvage dealer or dismantler"; "rebuilder or body shop"; or "scrap processor" license. ---------- (L. 1979 H.B. 78 § 3, A.L. 1983 H.B. 149, et al., A.L. 1986 H.B. 1367 & 1573, A.L. 2007 S.B. 82, A.L. 2009 H.B. 269, A.L. 2012 H.B. 1402)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.219 - Application to be submitted, contents — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.219. Application to be submitted, contents — fee. —Application for a license shall be submitted biennially and shall be made on the form the department prescribes, containing the name of the applicant, the address where business is to be conducted, the kind of business, enumerated in section 301.218 to be conducted, the residence address of the applicant if an individual, the names and residence addresses of the partners of the applicant if a partnership, the names and residence addresses of the principal officers of the applicant and the state of its incorporation, if a corporation. The application shall be verified by the oath or affirmation of the applicant, if the applicant is a partnership or a corporation, by a partner or officer of the applicant and shall be accompanied by a fee of one hundred thirty dollars every two years for each kind of business required to be licensed under subdivision (1), (2), (3), or (4) of subsection 1 of section 301.218. If the applicant conducts business at different locations, a separate application, license and one hundred thirty dollar fee shall be required for each location. The director may stagger the expiration dates to equalize the workload. ---------- (L. 1979 H.B. 78 § 4, A.L. 1986 H.B. 1367 & 1573, A.L. 2004 S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.221 - Application to be submitted, contents, requirements to obtain license — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.221. Application to be submitted, contents, requirements to obtain license — fee. —1. The department shall file each application received by it with the required fee, and when satisfied that the applicant, if an individual, or each of the partners or principal officers of the applicant, if a partnership or a corporation, is of good moral character and that the applicant, so far as can be ascertained, has complied and will comply with the provisions of sections 301.217 to 301.229 and the laws of this state relating to registration of and certificates of title of vehicles, shall issue to the applicant a license to carry on and conduct the kind of businesses, enumerated in section 301.218, specified in the application at the address therein specified, until the next license renewal date. 2. When the application is being made for licensure as a salvage dealer, the applicant shall obtain a certification by a uniformed member or authorized or designated employee of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located; except, that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of salvage is in the metropolitan area where the certifying metropolitan police officer is employed. An applicant shall have a bona fide established place of business which shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for: (1) Selling used parts of or used accessories for vehicles; or (2) Salvaging, wrecking or dismantling vehicles for resale of the parts thereof; or (3) Rebuilding and repairing wrecked or dismantled vehicles; or (4) Processing scrapped vehicles or vehicle parts. 3. The applicant's place of business shall be a place wherein the public may contact the owner or operator, in person or by telephone, at any reasonable time, and wherein shall be kept and maintained the books, records, files, tools, equipment and other matters required and necessary to conduct the business. 4. The application shall include a photograph, not to exceed eight inches by ten inches, showing the building and business premises and shall accompany the initial application but will not be required for subsequent renewals unless substantial changes have been made to the building or business premises. ---------- (L. 1979 H.B. 78 § 5, A.L. 1986 H.B. 1367 & 1573, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.223 - Suspension or revocation of license.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.223. Suspension or revocation of license. —The department shall suspend or revoke a license, upon notice and reasonable opportunity to be heard, if it finds: (1) The license was fraudulently procured or erroneously issued; (2) The applicant, or any partner or principal officer of the applicant, if a partnership or corporation, has failed to comply with the provisions of sections 301.217 to 301.229 and the laws of this state relating

to registration of and certificate of title of vehicles; (3) The license is not displayed. ---------- (L. 1979 H.B. 78 § 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.225 - Licensees to maintain records — inspection of premises.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.225. Licensees to maintain records — inspection of premises. —Every person licensed or required to be licensed shall maintain for three years on vehicles not more than seven years old a record of: (1) Every vehicle or used transmission, rear end, cowl, frame, body, front end assembly or engine of or for a vehicle received or acquired by him, its description and identifying number, if any, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired; (2) Every vehicle wrecked, dismantled or disposed of by him, and the date of its wrecking or dismantling and, if sold to a scrap metal operator, the operator's name and address.--Every such record shall be retained by the person licensed or required to be licensed at his principal place of business and shall be open to inspection by any representative of the department, member or authorized or designated employee of the Missouri highway patrol, or any police officer during reasonable business hours. Members of the patrol or any police officer may inspect the premises of every person licensed or required to be licensed at any time that business is being conducted or work is being performed, whether or not open to the public to enforce the provisions of sections 301.217 to 301.229. --Every such record shall be retained by the person licensed or required to be licensed at his principal place of business and shall be open to inspection by any representative of the department, member or authorized or designated employee of the Missouri highway patrol, or any police officer during reasonable business hours. Members of the patrol or any police officer may inspect the premises of every person licensed or required to be licensed at any time that business is being conducted or work is being performed, whether or not open to the public to enforce the provisions of sections 301.217 to 301.229. ---------- (L. 1979 H.B. 78 § 7, A.L. 1983 H.B. 149, et al., A.L. 1986 H.B. 1367 & 1573, A.L. 2007 S.B. 82)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.226 - Department to provide information.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.226. Department to provide information. —The department shall provide the licensee with the information on the location of public identifying numbers on the parts of the vehicles for which identifying numbers are required to be kept. ---------- (L. 1979 H.B. 78 § 8)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.227 - Salvage certificate of title mandatory or optional, when — issuance, fee — junking certificate issued or rescinded, when — inoperable vehicle for ten years, scrap metal operator may purchase without title.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.227. Salvage certificate of title mandatory or optional, when — issuance, fee — junking certificate issued or rescinded, when — inoperable vehicle for ten years, scrap metal operator may purchase without title. —1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the purchaser shall forward to the director of revenue within ten days the certificate of ownership or salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle. On vehicles purchased during a year that is no more than six years after the manufacturer's model year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title. On vehicles purchased during a year that is more than six years after the manufacturer's model year designation for such vehicle, then application for a salvage title shall be optional on the part of the purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of the date sold for destruction and the name of the purchaser clearly shown on the face of the certificate. 2. Whenever a vehicle is classified as junk, as defined in section 301.010, the purchaser may forward to the director of revenue a properly completed application for a junking certificate as well as the salvage certificate of title or certificate of ownership and the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or more prior to the current model year who has a bill of sale for said vehicle but does not possess a certificate of ownership, provided no claim of theft has been made on the vehicle and the highway patrol has by letter stated the vehicle is not listed as stolen after checking the registration number through its nationwide computer system. Such junking certificate may be granted within thirty days of the submission of a request. A junking certificate shall authorize the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap, or junk. 3. For any vehicle issued a junking certificate or such similar document or classification pursuant to the laws of another state, regardless of whether such designation has been subsequently changed by law in any other state, the department shall only issue a junking certificate, and a salvage certificate of title or original certificate of ownership shall not thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection, if the vehicle has not previously been classified as a junk vehicle, the applicant making the original junking certification application shall, within ninety days, be allowed to rescind his application for a junking certificate by surrendering the junking certificate and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer. 4. No scrap metal operator shall acquire or purchase a

motor vehicle or parts thereof without, at the time of such acquisition, receiving the original certificate of ownership or salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the seller is a licensee under sections 301.219 to 301.221. 5. All titles and certificates required to be received by scrap metal operators from nonlicensees shall be forwarded by the operator to the director of revenue within ten days of the receipt of the vehicle or parts. 6. The scrap metal operator shall keep a record, for three years, of the seller's name and address, the salvage business license number of the licensee, date of purchase, and any vehicle or parts identification numbers open for inspection as provided in section 301.225. 7. Notwithstanding any other provision of this section, a motor vehicle dealer as defined in section 301.550 and licensed under the provisions of sections 301.550 to 301.572*may negotiate one reassignment of a salvage certificate of title on the back thereof. 8. Notwithstanding the provisions of subsection 1 of this section, an insurance company which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage certificate of title without the payment of any fee upon proper application within thirty days after settlement of the claim for such stolen vehicle. However, if the insurance company upon recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to section 301.010, then the insurance company may have the vehicle inspected by the Missouri state highway patrol, or other law enforcement agency authorized by the director of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190. Upon receipt of title application, applicable fee, the completed inspection, and the return of any previously issued negotiable salvage certificate, the director shall issue an original title with no salvage or prior salvage designation. Upon the issuance of an original title the director shall remove any indication of the negotiable salvage title previously issued to the insurance company from the department's electronic records. 9. Notwithstanding subsection 4 of this section or any other provision of the law to the contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may purchase or acquire such motor vehicle or parts without receiving the original certificate of ownership, salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the scrap metal operator verifies with the department of revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap metal operator complies with the requirements of this subsection. In lieu of forwarding certificates of title or ownership for such motor vehicles as required by subsection 5 of this section, the scrap metal operator shall forward a copy of the seller's state identification card along with a bill of sale to the department of revenue. The bill of sale form shall be designed by the director and such form shall include, but not be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not subject to any recorded security interest or lien, and a certification by the seller that the seller has the legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts. Upon receipt of the information required by this subsection, the department of revenue shall cancel any certificate of title or ownership and registration for the motor vehicle. If the motor vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not be required to verify with the department of revenue whether the motor vehicle is subject to any recorded security interests or liens. As used in this subsection, the term"inoperable"means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes. The director of the department of revenue is directed to promulgate rules and regulations to implement and administer the provisions of this section, including but not limited to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. ---------- (L. 1979 H.B. 78 § 9, A.L. 1983 H.B. 149, et al., A.L. 1984 S.B. 648 Revision, H.B. 1045, A.L. 1986 H.B. 1367 & 1573, A.L. 1988 H.B. 1581, A.L. 1990 H.B. 1279, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82, A.L. 2012 H.B. 1150, A.L. 2015 H.B. 686, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225) *Section 301.572 was repealed in 1997 by H.B. 207.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.229 - Penalties — director of revenue to enforce provisions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.229. Penalties — director of revenue to enforce provisions. —1. Anyone who violates any provision of sections 301.217 to 301.229 is guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by law. 2. The director of revenue or his or her designated representative, including members or authorized or designated employees of the Missouri highway patrol shall administer and enforce the provisions of sections 301.217 to 301.229 and may develop, prescribe and issue any forms, notices or other written documents in order to enforce such authority and to ensure that every person licensed or required to be licensed pursuant to sections 301.217 to 301.229 is in compliance with sections 301.217 to 301.229. ---------- (L. 1979 H.B. 78 § 10, A.L. 1988 H.B. 1581, A.L. 2007 S.B. 82)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.230 - Stolen cars reported to state highway patrol — reports and information.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.230. Stolen cars reported to state highway patrol — reports and information. —Each sheriff and police department of the state shall make an immediate report to the state highway patrol of each motor vehicle reported stolen or recovered within their jurisdiction. The state highway patrol shall keep a file

and index of the reports, together with similar reports received from other states and shall furnish the director of revenue such information as is necessary for the administration of sections 301.030 to 301.050, 301.080, 301.100 to 301.150, 301.170 to 301.240, 301.300 to 301.330 and 301.360. Before issuing a certificate of title and registration on a motor vehicle previously registered in another state the director of revenue shall check the application with the motor vehicle theft records. ---------- (L. 1947 V. I p. 380 § 8369g)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.240 - Director of revenue to cooperate with other states.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.240. Director of revenue to cooperate with other states. —The director of revenue shall cooperate with the commissioners or the officials of other states and countries having supervision of the registration of motor vehicles and shall exchange information with them relative to the registration, ownership, sale and theft of motor vehicles, for the purpose of suppressing the stealing and unauthorized use of motor vehicles. ---------- (RSMo 1939 § 8382, A.L. 1947 V. I p. 380) Prior revision: 1929 § 7774

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.260 - State and municipally owned motor vehicles — public schools and colleges courtesy or driver training vehicles — regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.260. State and municipally owned motor vehicles — public schools and colleges courtesy or driver training vehicles — regulations. —1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number _____" (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use. 2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be a plate, or, on each side of such motor vehicle, letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, to display the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no. _____" (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes. 3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a motor vehicle dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized motor vehicle dealer and the school or college and a photocopy of the front and back of the dealer's vehicle manufacturer's statement of origin or certificate of title, and shall make application for and be granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution. 4. As used in this section, the term"political subdivision"is intended to include any township, road district, sewer district, school district, municipality, town or village, sheltered workshop, as defined in section 178.900, and any interstate compact agency which operates a public mass transportation system. ---------- (RSMo 1939 § 8374, A.L. 1941 p. 446, A.L. 1986 H.B. 1153, A.L. 1991 H.B. 39 & 41, A.L. 2001 S.B. 244, A.L. 2012 H.B. 1402 merged with H.B. 1807, et al., A.L. 2013 H.B. 428) Prior revision: 1929 § 7767 (1951) This section and § 304.010 do not impose liability upon a city for injury caused by a municipally owned motor vehicle when engaged in a governmental function. Hayes v. City of Kansas City. 362 Mo. 368, 241 S.W.2d 888.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.265 - Trip permits — fees — entry without permit, effect — prepayment not required if agreement with other states.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.265. Trip permits — fees — entry without permit, effect — prepayment not required if agreement with other states. —1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways

of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be ten dollars and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state highway department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue. 2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits. 3. Any owner or operator who desires to use a trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri. 4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations. 5. The purchase of a ten dollar trip permit shall allow such operator to haul the maximum weight allowed by statute. 6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine. ---------- (L. 1965 p. 472 §§ 1 to 3, A.L. 1971 S.B. 171, A.L. 1975 S.B. 314, A.L. 1986 H.B. 1473) CROSS REFERENCE: Highway reciprocity commission abolished, duties and functions transferred to highways and transportation commission, 226.008

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.266 - Hunter's permit, certain commercial motor vehicles, purpose, restrictions — application, fee — director may promulgate rules.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.266. Hunter's permit, certain commercial motor vehicles, purpose, restrictions — application, fee — director may promulgate rules. —1. The owner of any motor vehicle which was duly and legally proportionally registered in Missouri with the highway reciprocity commission, but which cannot legally be operated on Missouri highways because of lease cancellation, may, in lieu of the payment of other registration fee for such vehicle and upon proof of ownership, obtain a hunter's permit from the department of revenue. Such permit shall authorize the operation of the vehicle on the highways of this state and the highways of all member jurisdictions of the international registration plan for a period not to exceed thirty days. Any vehicle operated under a hunter's permit issued in accordance with this section shall only be operated while empty and shall only be operated for the purpose of securing a new lease agreement under which proper registration may be obtained. No vehicle may be operated on the highways of this state when the registration of such vehicle has been cancelled, unless the vehicle owner shall have been issued a hunter's permit for such vehicle. Operation of any vehicle without proper registration or a hunter's permit shall constitute a class A misdemeanor. No owner operating such a vehicle without proper registration or a hunter's permit shall be allowed to operate the vehicle until he has purchased a hunter's permit or otherwise obtained proper registration. 2. Application for a hunter's permit shall be made upon forms prescribed by the director. Application shall be made to the highway reciprocity commission. The applicant shall provide proof acceptable to the commission, that he has surrendered all plates, cab cards and other evidence of previous registration to the previous registrant before a permit under this section may be issued. The fee for a hunter's permit shall be twenty-five dollars and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state highway department fund. When such fee has been paid, no other registration fee shall be required for any trailer or semitrailer which is being towed by such vehicle. 3. Notwithstanding any provisions of law to the contrary, a vehicle operated on a hunter's permit shall not be subject to the laws of this state relating to motor vehicle titles during the time of operation on such permit. 4. Nothing contained in this section shall be construed to change the vehicle owner's duty to timely file any necessary fuel reports and to pay any fuel taxes owed to the state of Missouri. 5. The director of revenue may prescribe rules and regulations for the effective administration of this section. ---------- (L. 1993 S.B. 105) CROSS REFERENCE: Highway reciprocity commission abolished, duties and functions transferred to highways and transportation commission, 226.008

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.267 - Seventy-two-hour permits — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.267. Seventy-two-hour permits — fee. —1. The owner of any motor vehicle, or in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, may obtain the permits required by sections 142.422, 301.265 and 390.136 from the Missouri highway reciprocity commission. The commission shall issue a single permit authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The fee for such trip permit shall be twenty-five dollars and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state highway department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of agreement shall prevail. 2. The requirements of sections 142.422, 301.265, and 390.136 concerning trip permits shall apply to the operation of the vehicle under this section. ---------- (L. 1975 S.B. 312 §§ 2, 3, A.L. 1986 H.B. 1473) CROSS REFERENCE: Highway reciprocity commission abolished, duties and functions transferred to highways and transportation commission 226.008

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.271 - Reciprocity in registration with other states — registration of trailers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.271. Reciprocity in registration with other states — registration of trailers. —1. Unless otherwise provided by duly executed agreements entered into pursuant to sections 301.271 to 301.279, a nonresident owner, owning any motor vehicle which has been duly registered for the current year in the state, District of Columbia, territory or possession of the United States, foreign country or other place of which the owner is a resident, and which at all times when operated in this state has displayed upon it the number plate issued for the vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any such registration fee to this state; but the provisions of this subsection shall be operative to allow such owner to operate or permit the operation of such vehicle owned by a nonresident of this state only to the extent that under the laws of the state, District of Columbia, territory or possession of the United States, foreign country or other place of residence of the nonresident owner, substantially equivalent exemptions are granted to residents of Missouri for the operation of vehicles duly registered in Missouri. 2. Unless otherwise provided by duly executed agreements entered into pursuant to sections 301.271 to 301.279, trailers registered in any jurisdiction may be operated in combination with any motor vehicle properly registered in accordance with sections 301.271 to 301.279. ---------- (L. 1958 2d Ex. Sess. p. 176 §§ 6, 7) CROSS REFERENCE: Interstate motor carriers, registration and regulation of pursuant to International Registration Plan transferred to highways and transportation commission, 226.008 (1960) Motor vehicles owned by Colorado and Illinois corporations which were not registered in those states but were registered in other states where great part of their operations occurred, were not entitled to reciprocal exemption since the word "residence" as applied to a corporate owner means the state of its incorporation. State v. Riss and Company (Mo.), 335 S.W.2d 118. (2004) Reciprocal exemption only applies if nonresident owner timely registers vehicle elsewhere. Holm v. Director of Revenue, 148 S.W.3d 313 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.275 - Commission may require reports — make investigations — regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.275. Commission may require reports — make investigations — regulations. —The commission may require such reports from owners and operators of motor vehicles as may be useful to assist the commission in performing its duties under sections 301.271 to 301.279. Such reports shall furnish such information as may be required by the commission and shall cover such periods and be made at such time or times as the commission may direct and shall be in the form prescribed by the commission and shall be verified by the person making such report or by the president, vice president, secretary or other responsible officer or employee of a corporation or association or by a partner or a responsible employee of a partnership. The commission may make or direct the making of such investigations within or without the state, as may be necessary for the performance of its duties under sections 301.271 to 301.279. If any owner or operator of motor vehicles shall file any false report or give false information called for or required under sections 301.271 to 301.279, the commission shall have power to suspend or revoke any or all reciprocity as to such owner or operator. The commission may make and promulgate such rules and regulations as may be necessary to effectively carry out its duties under sections 301.271 to 301.279. ---------- (L. 1958 2d Ex. Sess. p. 176 § 3) CROSS REFERENCE: Interstate motor carriers, registration and regulation of pursuant to International Registration Plan transferred to highways and transportation commission, 226.008

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.277 - Reciprocity agreements, negotiation, provisions, limits — highway reciprocity fund established — deposit of fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.277. Reciprocity agreements, negotiation, provisions, limits — highway reciprocity fund established — deposit of fees. —1. The commission may negotiate and enter into reciprocal agreements or arrangements with other states, the District of Columbia, territories and possessions of the United States, and foreign countries as follows: (1) To exempt, either wholly or partially, under such terms, conditions and restrictions as it deems proper, motor vehicles and trailers licensed in other states, the District of Columbia, territories and possessions of the United States, and foreign countries or political subdivisions thereof wherein the owner is a resident, from any or all registration fees, as provided by law, but any exemption afforded hereunder shall be extended to owners whose vehicles are duly licensed in the state of their residence only to the extent that substantially equivalent exemptions are extended by that state to vehicles which are duly licensed in this state. (2) If any state permits or requires the licensing of fleets of motor vehicles and trailers or combinations thereof operated in interstate or combined interstate and intrastate commerce and payment of license taxes and other fixed fees thereon on an apportionment basis commensurate with and determined by the miles traveled on and the use made of said state's highways or any other equitable basis of apportionment, and exempts equipment registered in other states under such apportionment basis from its own registration and other fixed fees, then said Missouri highway reciprocity commission may by agreement adopt such exemptions with respect to motor vehicles and trailers, which agreement may, under such terms, conditions and restrictions as the commission deems proper, provide that owners and operators of motor vehicles and trailers operated in interstate or combined interstate and intrastate commerce in Missouri shall be required to pay registration and other fees on an apportionment basis commensurate with

and determined by the miles traveled on and the use made of Missouri highways, or any other equitable basis of apportionment, and shall provide a fair and equitable formula for apportionment whereby there shall be registered in Missouri and the Missouri registration fees paid and applied to a proper proportion of said motor vehicles and trailers operated in the fleet. (3) Such agreements may authorize the granting of reciprocal privileges to an owner for vehicles which are not licensed in the state, District of Columbia, territory or possession of the United States, foreign country, or other place of such owner's residence when such owner maintains a bona fide place of business in a state, District of Columbia, territory or possession of the United States, foreign country or other place other than his residence and such vehicle is in fact based at such a place of business and is principally operated into and out of such a place of business as a terminal of its operation and such vehicle is duly licensed in the state, District of Columbia, territory or possession of the United States, foreign country, or other place where such place of business is located. Before reciprocal privileges are granted to an owner under such agreement authorized by this subsection, the commission may, under such conditions and terms as it deems advisable, require such owner to apply for a basing point permit which, among other things, shall name the state, District of Columbia, territory or possession of the United States, foreign country, or other place in which such vehicle is to be licensed. 2. Any agreement entered into by the commission shall require that the operator of any vehicle for which reciprocal privileges are claimed must have in his possession a valid and legal registration certificate or other evidence of proper registration issued for such vehicle by the state or other jurisdiction in which it is registered. 3. Notwithstanding section 301.090, fees collected by the commission which are subject to prorating under this section shall be immediately transmitted to the treasurer of the state for deposit to the credit of the state highway department fund except that part of such fees to be paid to other states under a reciprocal agreement shall be placed in a special fund designated a "reciprocity fund." The commission shall not less frequently*than once each month direct the payment of, and the treasurer shall pay, the reciprocal fees to the appropriate state or states. All income derived from the investment of the "reciprocity fund" by the treasurer shall be credited to the highway department fund. 4. Notwithstanding any other provision of law, no reciprocity shall be granted under any statute or agreement for the operation of any commercial motor vehicle within the state of Missouri solely in intrastate commerce, but all vehicles so engaged must be duly registered and licensed in the state of Missouri. ---------- (L. 1958 2d Ex. Sess. p. 176 §§ 4, 5, 8, A.L. 1981 H.B. 511) *Word "frequent" appears in original rolls. CROSS REFERENCES: Highway reciprocity commission abolished, duties and functions transferred to highways and transportation commission, 226.008 Interstate motor carriers, registration and regulation of pursuant to International Registration Plan transferred to highways and transportation commission, 226.008

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.279 - Cooperation in reciprocal agreements with public service commission.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.279. Cooperation in reciprocal agreements with public service commission. —The commission shall cooperate with the public service commission in the matter of negotiating and entering into reciprocal agreements as provided for under sections 301.271 to 301.279 and as provided for by section 386.220, but the provisions and agreements as to reciprocity concerning motor vehicle registration shall be separate and distinct from and not governed by any provisions or agreements as to reciprocity concerning public service commission fees and charges. ---------- (L. 1958 2d Ex. Sess. p. 176 § 9)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.280 - Dealers and garage keepers, sales report required — unclaimed vehicle report required, contents — alteration of vehicle identification number, effect — false statement, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.280. Dealers and garage keepers, sales report required — unclaimed vehicle report required, contents — alteration of vehicle identification number, effect — false statement, penalty. —1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor vehicle that is twenty years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all temporary permits shall be recorded in the appropriate space on the dealer's monthly sales report, unless the sale of the temporary permit is already recorded by electronic means as determined by the department. The monthly sales report shall include a statement of motor vehicles or trailers sold during the month under subsection 5 of section 301.210. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for

inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director. 2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for inspection by law enforcement officials, members or authorized or designated employees of the Missouri highway patrol, and persons, agencies and officials designated by the director of revenue. 3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing. 4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours. 5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified. 6. Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the department of revenue, as described in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor. ---------- (RSMo 1939 § 8381, A.L. 1974 H.B. 985, A.L. 1983 S.B. 9, A.L. 1984 S.B. 656, A.L. 1986 H.B. 1367 & 1573, A.L. 1988 H.B. 990, A.L. 1990 H.B. 1279, A.L. 1993 S.B. 35, A.L. 1997 H.B. 207, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82, A.L. 2009 H.B. 683, A.L. 2012 H.B. 1402, A.L. 2015 H.B. 686, A.L. 2020 H.B. 1963, A.L. 2021 S.B. 262) Prior revisions: 1929 § 7773; 1919 §§ 7568, 7605

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.290 - Correctional enterprises to manufacture plates and highway signs — money received for manufacturing plates and signs, how deposited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.290. Correctional enterprises to manufacture plates and highway signs — money received for manufacturing plates and signs, how deposited. —1. Correctional enterprises of the department of corrections shall purchase, erect and maintain all of the machinery and equipment necessary for the manufacture of the license plates and tabs issued by the director of revenue, and of signs used by the state transportation department. Beginning on January 1, 2011, correctional enterprises shall no longer erect and maintain tabs for the department of revenue. 2. The director of revenue shall procure all plates issued by him, and the state transportation department shall procure all signs used by it from correctional enterprises, unless an emergency arises and correctional enterprises cannot furnish the plates, tabs or signs. 3. Correctional enterprises shall furnish the plates and signs at such a price as will not exceed the price at which such plates and signs may be obtained upon the open market, but in no event shall such price be less than the cost of manufacture, including labor and materials. 4. All moneys derived from the sale of the plates, tabs and signs shall be paid into the state treasury to the credit of the working capital revolving fund as provided in section 217.595. ---------- (RSMo 1939 § 8378, A.L. 1945 p. 1194, A. 1949 S.B. 1110, A.L. 1957 p. 623, A.L. 1961 p. 463, A.L. 1977 H.B. 367, et al., A.L. 1983 H.B. 713 Revision, A.L. 1990 H.B. 974, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2009 H.B. 683)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.2998 - Special license plates, issuance of not required, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.2998. Special license plates, issuance of not required, when. —Notwithstanding any other provisions of this chapter, which establishes the issuance of a specialty plate, if no applications for such plate have been received within five years from the effective date of the section authorizing the plate, then the department of revenue no longer will be required to accept applications and issue such plate. ---------- (L. 2007 S.B. 82)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.2999 - Limitation on special license plates, organization authorizing use of its emblem for a fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.2999. Limitation on special license plates, organization authorizing use of its emblem for a fee. —1. No specialized license plate shall be issued after January 1, 2002, by the director of revenue which proposes to raise revenue or funds for an organization which authorizes the use of its emblem for a fee unless such organization: (1) Is a governmental entity; or (2) Is an organization registered pursuant to Section 501(c) of the 1986

Internal Revenue Code, as amended, or an equivalent law which applies to such not-for-profit entity. 2. Any organization which raises revenues or funds through the sponsorship of specialized license plates issued pursuant to the provisions of this chapter enacted prior to January 1, 2002, shall have until January 1, 2004, to comply with the provisions of this section. The director shall verify that all organizations that are paid fees for the use of their emblems for specialized license plates are complying with the provisions of this section. The director shall require all organizations which receive revenues for or funds for the use of their emblems to verify their status as a governmental entity or a qualified not-for-profit organization as provided in subsection 1 of this section, in a format prescribed by the director. Any specialized license plates issued prior to January 1, 2004, shall remain valid for the period in which they were registered, regardless of the status of the sponsoring organization. 3. Any moneys received by an organization authorizing the use of its emblem or insignia for a specialized license plate shall only be used by such organization to carry out the organization's charitable mission. Such moneys shall not be used for salaries or any administrative costs of the organization. No individual member of any organization authorizing the use of its emblem or insignia for a specialized license plate shall derive any personal pecuniary gain from any fees the organization collects. 4. The director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications for such plates and the organization deposits with the department of revenue a fee of up to five thousand dollars to defray the cost for issuing, developing, and programming the implementation of the specialty plate. 5. The provisions of this section shall not apply to any special license plates which bear the emblem or insignia of a branch of the U.S. military or a military organization. ---------- (L. 2002 H.B. 1093, et al. merged with S.B. 1241, et al., A.L. 2004 H.B. 928 and H.B. 1123 and H.B. 1280 merged with S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.300 - Replacement of lost, stolen or damaged certificates, plates, or tabs, procedure to obtain replacement or duplicates, fee — multiyear plates fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.300. Replacement of lost, stolen or damaged certificates, plates, or tabs, procedure to obtain replacement or duplicates, fee — multiyear plates fee. —1. In event of the loss, theft, mutilation or destruction of any certificate of ownership, number plate, tab or set of tabs issued by the director of revenue, the lawful holder thereof shall, within five days, file with the director of revenue, an affidavit showing such fact, and shall, on the payment of a fee of eight dollars and fifty cents, obtain a duplicate or replacement of such plate, certificate, tab or set of tabs. Any duplicate certificate issued for any "motor vehicle primarily for business use", as defined in section 301.010, shall be issued only to the owner of record. 2. Upon filing affidavit of lost, stolen, mutilated or destroyed certificate of registration, the director of revenue shall issue to the lawful owner a duplicate or replacement thereof upon payment of a fee of eight dollars and fifty cents. 3. Vehicle owners who elect not to transfer or renew multiyear plates shall be charged a fee equal to that charged for a lost plate in addition to the registration fee prescribed by law at the time the new plate or plates are issued. 4. Notwithstanding subsection 1 of this section, a new or used motor vehicle dealer may obtain a duplicate or replacement title in the owner's name if the owner's title has been lost, stolen, mutilated, or destroyed and is not available for assignment. In order to obtain the duplicate or replacement title from the department of revenue, the licensed dealer shall procure a power of attorney from the owner authorizing the dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf. The application to the department of revenue for the duplicate or replacement title shall be accompanied by the executed power of attorney, or a copy thereof, and the application shall contain the appropriate mailing address of the dealer. The director of the department of revenue is authorized to make all necessary rules and regulations for the administration of this subsection, and shall design all necessary forms required by this subsection. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void. ---------- (RSMo 1939 § 8379, A.L. 1941 p. 445, A.L. 1947 V. I p. 380, A.L. 1981 H.B. 511, A.L. 1984 H.B. 1045, A.L. 1988 H.B. 1581, A.L. 1990 H.B. 1279 merged with H.B. 1450, A.L. 2005 H.B. 487) Prior revision: 1929 § 7771

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.301 - Stolen license plate tabs, replacement at no cost, when, procedure, limitation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.301. Stolen license plate tabs, replacement at no cost, when, procedure, limitation. —Any person replacing a stolen license plate tab may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a notarized affidavit verifying that such license plate tab or tabs were stolen. ---------- (L. 1995 S.B. 374 § 4, A.L. 2005 H.B. 487 merged with S.B. 378, A.L. 2007 S.B. 384, A.L. 2013 H.B. 103)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.302 - Missing license plate tab, no citation issued, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.302. Missing license plate tab, no citation issued, when. —A citation shall not be issued to any person stopped by law enforcement for a missing license plate tab or tabs if such person indicates that the tab or tabs have been stolen and a check on such person's vehicle registration reveals that the vehicle is properly registered. A law enforcement officer may issue a warning under these circumstances. In the event a citation is improperly issued to a person for missing tabs when the requirements of this section are met, any court costs shall be waived. ---------- (L. 2005 H.B. 487 merged with S.B. 378)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3030 - No fee or limit on military special license plates for qualified persons.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3030. No fee or limit on military special license plates for qualified persons. —1. Notwithstanding any provision of law to the contrary, no special license plates involving military actions or personnel shall require a special fee for issuance or personalization of one set of such plates issued to each qualified applicant. Additional sets of special license plates issued to the qualified applicant may be subject to fees for special license plate issuance or personalization as otherwise required by law. 2. Any special license plates involving military actions or personnel that are authorized after August 28, 2006, shall not limit the number of license plates any person qualified for such special license plate may obtain so long as each set of license plates issued is issued for vehicles owned solely or jointly by the qualified applicant. ---------- (L. 2006 H.B. 1382 & 1158, A.L. 2024 S.B. 912)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3031 - Director to notify military special license plate applicants of opportunity to donate to World War II memorial trust fund — use of fund proceeds, creation of fund.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3031. Director to notify military special license plate applicants of opportunity to donate to World War II memorial trust fund — use of fund proceeds, creation of fund. —1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund. Beginning August 28, 2013, the director of revenue shall no longer collect the contribution authorized by this section. 2. There is established in the state treasury the "World War II Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section. 3. The Missouri veterans' commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C. 4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080 requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund. ---------- (L. 2000 H.B. 1797, A.L. 2013 S.B. 252)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3032 - March of Dimes special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3032. March of Dimes special license plates, application, fee. —1. Any person, after an annual payment of an emblem-use authorization fee to a Missouri chapter of the March of Dimes, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The March of Dimes hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to a Missouri chapter of the March of Dimes derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the March of Dimes. Any person may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to a Missouri chapter of the March of Dimes, the March of Dimes shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the March of Dimes and the words "MARCH OF DIMES" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner who was previously issued a plate with the March of Dimes emblem authorized by this section, but who does not provide an emblem-use

authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the March of Dimes emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3033 - Military license plate application, voluntary contribution to World War I memorial trust fund — fund established.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3033. Military license plate application, voluntary contribution to World War I memorial trust fund — fund established. —1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War I memorial trust fund established pursuant to this section. Whenever a vehicle owner pursuant to this chapter makes an application for a license plate, other than a military license plate previously described, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of one dollar to the World War I memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund. 2. There is established in the state treasury the "World War I Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War I memorial trust fund all amounts received pursuant to subsection 1 of this section and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section. 3. The Missouri veterans' commission shall administer the trust fund established pursuant to this section. The trust fund shall be used for the sole purpose of restoration, renovation, and maintenance of a memorial or museum or both dedicated to World War I in any home rule city with more than four hundred thousand inhabitants and located in more than one county. 4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080 requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the general revenue fund of this state at the end of each biennium shall not apply to the trust fund. ---------- (L. 2013 S.B. 252)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3040 - Armed Forces Expeditionary Medal special license plate, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3040. Armed Forces Expeditionary Medal special license plate, procedure. —1. Any person who has been awarded the military service award known as the "Armed Forces Expeditionary Medal" may apply for Armed Forces Expeditionary Medal motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for Armed Forces Expeditionary Medal license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Armed Forces Expeditionary Medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "ARMED FORCES EXPEDITIONARY MEDAL" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also be inscribed with the words "expeditionary service" and bear a reproduction of the Armed Forces expeditionary service ribbon. 3. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of Armed Forces Expeditionary Medal license plates issued under this section. A fee for the issuance of personalized license plates under and pursuant to section 301.144 shall not be required for plates issued under this section. There shall be no limit on the number of license plates any person qualified under and pursuant to this section may obtain so long as each set of license plates issued under and pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued under and pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2009 H.B. 427 § 301.3157 merged with H.B. 683 § 301.3155, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3041 - Wilson's Creek National Battlefield Foundation, special license plates — emblem authorization — application procedure, fees, design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3041. Wilson's Creek National Battlefield Foundation, special license plates — emblem authorization — application procedure, fees, design. —1. The Wilson's Creek National Battlefield Foundation may authorize the use of its official emblem to be applied on multiyear personalized license plates as provided in this section. 2. Any contribution to the Wilson's Creek National Battlefield Foundation derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Wilson's Creek National Battlefield Park. Any vehicle owner may annually apply to the foundation for use of the emblem. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the foundation, the foundation shall issue to the vehicle owner,

without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. 3. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the foundation, to the vehicle owner. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. The license plate authorized by this section shall be issued with a design approved by both the foundation and the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130. 4. A vehicle owner who was previously issued a plate with an institutional emblem authorized by this section and who does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law. ---------- (L. 2000 H.B. 1797)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3043 - Missouri Botanical Garden special license plate, application, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3043. Missouri Botanical Garden special license plate, application, fees. —1. Any member of the Missouri Botanical Garden, after an annual payment of an emblem-use authorization fee to the Missouri Botanical Garden, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Botanical Garden hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Botanical Garden derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Botanical Garden. Any member of the Missouri Botanical Garden may annually apply for the use of the emblem. 2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Missouri Botanical Garden, the Missouri Botanical Garden shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Missouri Botanical Garden. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner who was previously issued a plate with the Missouri Botanical Garden's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Botanical Garden's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2001 S.B. 407 § 301.3035, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3045 - St. Louis Zoo special license plate, application, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3045. St. Louis Zoo special license plate, application, fees. —1. Any member of the Saint Louis Zoo, after an annual payment of an emblem-use authorization fee to the Saint Louis Zoo, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Saint Louis Zoo hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Saint Louis Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Saint Louis Zoo. Any member of the Saint Louis Zoo may annually apply for the use of the emblem. 2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Saint Louis Zoo, the Saint Louis Zoo shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Saint Louis Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with the Saint Louis Zoo's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Saint Louis Zoo's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2001 S.B. 407 § 301.3039, A.L. 2016 H.B. 2380)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3047 - Kansas City Zoo special license plate, application, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3047. Kansas City Zoo special license plate, application, fees. —1. Any member of the Kansas City Zoo, after an annual payment of an emblem-use authorization fee to the Kansas City Zoo, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Kansas City Zoo hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Kansas City Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Kansas City Zoo. Any member of the Kansas City Zoo may annually apply for the use of the emblem. 2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Kansas City Zoo, the Kansas City Zoo shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Kansas City Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with the Kansas City Zoo's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Kansas City Zoo's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2001 S.B. 407 § 301.3057, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3049 - Springfield Zoo special license plate, application, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3049. Springfield Zoo special license plate, application, fees. —1. Any member of the Springfield Zoo, after an annual payment of an emblem-use authorization fee to the Springfield Zoo, may receive special license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Springfield Zoo hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Springfield Zoo derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Springfield Zoo. Any member of the Springfield Zoo may annually apply for the use of the emblem. 2. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the Springfield Zoo, the Springfield Zoo shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Springfield Zoo. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with the Springfield Zoo's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Springfield Zoo's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2001 S.B. 407 § 301.3059, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3050 - Safari Club International specialized license plate, issuance, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3050. Safari Club International specialized license plate, issuance, fees. —1. Any person may receive license plates as prescribed in this section, for issuance either to motor vehicles, passenger motor vehicles subject to the registration fees provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twenty-four thousand pounds as provided in section 301.057 or 301.058, after an annual payment of an emblem-use authorization fee to Safari Club International. Safari Club International hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Safari Club International derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Safari Club International. Any member of Safari Club International may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Safari Club International,

Safari Club International shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Safari Club International. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Safari Club International emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Safari Club International emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2001 S.B. 442 § 301.3081, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3051 - Shrine temple, special license plates — emblem authorization, application procedure, fees, design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3051. Shrine temple, special license plates — emblem authorization, application procedure, fees, design. —1. Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) or any person living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025 may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem. 2. Upon annual application and payment of a twenty-five-dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner. 3. The license plate authorized by this section shall be in a form as prescribed in section 301.129*, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2000 H.B. 1797) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3052 - Navy Cross special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3052. Navy Cross special license plate, application, fee. —1. Any person who has been awarded the military service award or medal known as the "Navy Cross" pursuant to 10 U.S.C. Section 6242 may apply for Navy Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the Navy Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Navy Cross as the director may require. 3. Upon presentation of such proof as a recipient of the Navy Cross and payment of a fifteen dollar fee in addition to regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear an image of the Navy Cross medal and the words "NAVY CROSS" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 4. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of Navy Cross license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. 6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. 7. The director may consult with any organization which represents the interests of persons receiving the Navy Cross when formulating the design for the special license plates described in this section. 8. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall

design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. ---------- (L. 2012 H.B. 1807, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3053 - Distinguished Flying Cross military service award, special license plates — application procedure, fees — no additional personalization fee — design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3053. Distinguished Flying Cross military service award, special license plates — application procedure, fees — no additional personalization fee — design. —1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Distinguished Flying Cross. 3. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2000 H.B. 1797, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3054 - Honorable discharge from the military special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3054. Honorable discharge from the military special license plates, application, fee. —1. Any person who served in the active military service in a branch of the armed services of the United States and was honorably discharged from such service may apply for special personalized license plates for any motor vehicle other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service and status as an honorably discharged veteran as the director may require. 2. Upon presentation of proof of eligibility and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director shall issue to the vehicle owner special personalized license plates with the words "U.S. VET" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, shall have a reflective white background with a blue and red configuration in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the vehicle may operate the vehicle for the duration of the registration in the event of the death of the qualified person. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al. § 301.3999, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3055 - Missouri Remembers, special license plates commemorating prisoners of war and persons missing in action — application procedure, fees — no additional personalization fee — design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3055. Missouri Remembers, special license

plates commemorating prisoners of war and persons missing in action — application procedure, fees — no additional personalization fee — design. —1. Any person who wishes to pay tribute to those persons who were prisoners of war or those now listed as missing in action may apply for specialized motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to other registration fees and documents which may be required by law, the director of revenue shall issue a specialized license plate which shall have the words "MISSOURI REMEMBERS" on the license plates in preference to the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such license plate shall also bear the POW/MIA insignia. The license plate authorized by this section shall be made with a fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. ---------- (L. 2000 H.B. 1797, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3060 - Civil Air Patrol special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3060. Civil Air Patrol special license plate, application, fee. —1. Any person who is a member of the Civil Air Patrol may, after an annual payment of an emblem-use authorization fee to the Civil Air Patrol as provided in subsection 2 of this section, apply for Civil Air Patrol license plates for any motor vehicle such person owns, either solely or jointly, for issuance either for a passenger motor vehicle subject to the registration fees as provided in section 301.055 or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twenty-four thousand pounds as provided in section 301.057 or 301.058. The Civil Air Patrol hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. 2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Civil Air Patrol, the Civil Air Patrol shall issue to the person, without further charge, an emblem-use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144 and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Civil Air Patrol in the left hand section of such license plate and the words "CIVIL AIR PATROL" in place of the words "SHOW-ME STATE" to the person. The emblem, seal or logo shall be reproduced on the license plate in as a clear and defined manner as possible. If the emblem, seal or logo is unacceptable to the Civil Air Patrol, it shall be the Civil Air Patrol's responsibility to furnish the artwork in a digitalized format. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2002 H.B. 1205, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3061 - Disabled American Veterans special license plate — design, fee — pickup truck plates — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3061. Disabled American Veterans special license plate — design, fee — pickup truck plates — rulemaking authority. —1. Any person eligible for membership in the Disabled American Veterans and who possesses a valid membership card issued by the Disabled American Veterans may apply for Missouri Disabled American Veterans license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Disabled American Veterans hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. 2. Upon presentation of a current photo identification, the person's valid membership card issued by the Disabled American Veterans, and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the Disabled American Veterans organization, and shall have an authorized Disabled American Veterans' slogan near the bottom of the plate. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued under section 301.144 shall not be required for plates issued under this section. 3. Any person who applies for a Disabled American Veterans license plate under this section to be used on a vehicle commonly known and referred to as a pickup truck may be issued a Disabled American Veterans license plate with the designation "beyond local" indicated in the upper right corner of the plate. 4. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under this section shall not be transferable to any other person except that any registered

co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. 5. The director shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void. ---------- (L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380, A.L. 2024 S.B. 912)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3062 - American Legion, special license plates — emblem authorization, application procedure, fees, design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3062. American Legion, special license plates — emblem authorization, application procedure, fees, design. —1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The American Legion hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle. 3. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section. 4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law. 5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2000 H.B. 1797, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3065 - MO-AG Businesses special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3065. MO-AG Businesses special license plate, application, fee. —1. Any motor vehicle owner who has obtained an annual emblem-use authorization statement from the MO-AG Businesses may apply for MO-AG Businesses license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. MO-AG Businesses hereby authorize the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any motor vehicle owner may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to MO-AG Businesses, MO-AG Businesses shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle. 3. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the MO-AG Businesses in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section. 4. A vehicle owner, who was previously issued a plate with the MO-AG Businesses authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the MO-AG Businesses emblem, as otherwise provided by law. 5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3067 - Missouri Association of Municipal Utilities special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3067. Missouri Association of Municipal

Utilities special license plate, application, fee. —1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Missouri Association of Municipal Utilities. The Missouri Association of Municipal Utilities hereby authorizes the use of its official utility worker emblem to be affixed*on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any contribution to such association derived from this section, except reasonable administrative costs, shall be used solely for financial assistance for utility worker training programs. Any Missouri resident may annually apply to the association for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Association of Municipal Utilities, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue personalized license plates, which shall bear the emblem of the Missouri Association of Municipal Utilities utility worker, to the vehicle owner. 3. The license plate or plates authorized by this section shall be of a design submitted by the Missouri Association of Municipal Utilities and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plates. 4. A vehicle owner, who was previously issued plates with the Missouri Association of Municipal Utilities' utility worker emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued new plates which do not bear the Missouri Association of Municipal Utilities' utility worker emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2019 H.B. 831 merged with H.B. 926) *Word "fixed" appears in original rolls of H.B. 926, 2019.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3069 - Central Missouri Honor Flight special license plate — application, procedure, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3069. Central Missouri Honor Flight special license plate — application, procedure, fee. —1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to Central Missouri Honor Flight. Central Missouri Honor Flight hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any contribution to Central Missouri Honor Flight derived from this section, except reasonable administrative costs, shall be used solely for financial assistance to transport veterans to Washington, D.C., to view various veteran memorials. Any Missouri resident may annually apply to Central Missouri Honor Flight for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Central Missouri Honor Flight, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue personalized license plates, which shall bear the emblem of Central Missouri Honor Flight, to the vehicle owner. 3. The license plate or plates authorized by this section shall be of a design submitted by Central Missouri Honor Flight and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plates. 4. A vehicle owner who was previously issued plates with the Central Missouri Honor Flight emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration shall be issued new plates which do not bear the Central Missouri Honor Flight emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section and shall design all necessary forms required by this section. ---------- (L. 2020 H.B. 1963 merged with S.B. 656)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3074 - NAACP special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3074. NAACP special license plates, application, fee. —1. Any member of the National Association for the Advancement of Colored People, after an annual payment of an emblem-use authorization fee to any branch office of the National Association for the Advancement of Colored People located within Missouri, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The National Association for the Advancement of Colored People hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any

contribution to the National Association for the Advancement of Colored People derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Association for the Advancement of Colored People. Any member of the National Association for the Advancement of Colored People may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to any branch office of the National Association for the Advancement of Colored People located within Missouri, the National Association for the Advancement of Colored People shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the National Association for the Advancement of Colored People and the letters "NAACP" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner who was previously issued a plate with the National Association for the Advancement of Colored People emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Association for the Advancement of Colored People emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3075 - Bronze Star military service award, special license plates — application procedure, fees — no additional personalization fee — design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3075. Bronze Star military service award, special license plates — application procedure, fees — no additional personalization fee — design. —1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the bronze star license plates on a form provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the bronze star. 3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director. 4. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2000 H.B. 1797 § 301.474, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3076 - Combat medic badge, special license plates — application procedure, fees — no additional personalization fee — design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3076. Combat medic badge, special license plates — application procedure, fees — no additional personalization fee — design. —Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates

issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2000 H.B. 1797 § 301.475, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3077 - Desert Storm and Desert Shield, special license plates for Gulf War veterans — application procedure, fees — no additional personalization fee — design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3077. Desert Storm and Desert Shield, special license plates for Gulf War veterans — application procedure, fees — no additional personalization fee — design. —Any person who served in the military operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States Armed Forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in Desert Storm or Desert Shield and status as currently serving in a branch of the Armed Forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2000 H.B. 1797 § 301.476, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3078 - Operation Iraqi Freedom special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3078. Operation Iraqi Freedom special license plate, application, fee. —Any person who served in the military operation known as Operation Iraqi Freedom and either currently serves in any branch of the United States Armed Forces or was honorably discharged from such service may apply for Operation Iraqi Freedom motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in Operation Iraqi Freedom and status as currently serving in a branch of the Armed Forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "OPERATION IRAQI FREEDOM VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2004 H.B. 1449, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3079 - Missouri agriculture special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3079. Missouri agriculture special license plates, application, fee. —1. Any person, after an annual payment of an emblem-use authorization fee to the Missouri Farm Bureau, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Farm Bureau hereby authorizes the use of the Missouri "Agriculture in the Classroom" official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. All moneys received by the Missouri Farm Bureau pursuant to this section shall be used solely to fund Missouri's agriculture in the classroom program and to further the mission of such program. Any person may annually apply for the use of the emblem. 2. Upon annual application and

payment of a twenty-five dollar emblem-use contribution to Missouri Farm Bureau, the Missouri Farm Bureau shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Missouri agriculture in the classroom program and the words "MISSOURI AGRICULTURE" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner who was previously issued a plate with an emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear such emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3080 - Rotary International special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3080. Rotary International special license plate, application, fee. —1. Any member of Rotary International may receive special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Rotary International of which the person is a member. Rotary International hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Rotary International derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Rotary International. Any member of Rotary International may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Rotary International, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Rotary International. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Rotary International emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Rotary International emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3082 - Hearing Impaired Kids Endowment Fund, Inc., special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3082. Hearing Impaired Kids Endowment Fund, Inc., special license plate, application, fee. —1. Any person may receive special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Hearing Impaired Kids Endowment Fund, Inc. The Hearing Impaired Kids Endowment Fund, Inc., hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Hearing Impaired Kids Endowment Fund, Inc., derived from this section, except reasonable administrative costs, shall be used solely for the benefit of children who are residents of Missouri. 2. Upon annual application and payment of a twenty-five dollar emblem-use authorization fee to the Hearing Impaired Kids Endowment Fund, Inc., that organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Hearing Impaired Kids Endowment Fund, Inc. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Hearing Impaired Kids Endowment Fund, Inc., emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Hearing Impaired Kids Endowment Fund, Inc., emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations

for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3084 - Breast Cancer Awareness special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3084. Breast Cancer Awareness special license plate, application, fee. —1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a twenty-five dollar annual contribution to support breast cancer awareness activities conducted by the department of health and senior services, the vehicle owner may apply for a breast cancer awareness license plate. If the contribution is made directly to the state treasurer, the state treasurer shall issue the individual making the contribution a receipt verifying the contribution that may be used to apply for the breast cancer awareness license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the breast cancer awareness plate. The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of breast cancer awareness plates issued pursuant to this section. The state treasurer or the director of revenue shall deposit the twenty-five dollar annual contribution in the Missouri public health services fund. Funds in such account shall be used to support breast cancer awareness activities conducted by the department of health and senior services. 2. Upon presentation of the annual statement or a twenty-five dollar annual contribution, as applicable, and payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear a graphic design depicting the breast cancer awareness pink ribbon symbol and the words "Breast Cancer Awareness" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with a breast cancer awareness emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2012 H.B. 1807, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3085 - United States Marine Corps, active duty combat, special license plate authorized.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3085. United States Marine Corps, active duty combat, special license plate authorized. —Any person who has participated in active duty combat action while serving in the United States Marine Corps or the United States Navy may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat infantry badge as the director may require. The director shall then issue license plates bearing the words "COMBAT ACTION RIBBON" in place of the words "SHOW-ME STATE" in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of a blue, yellow, and red ribbon. There shall be an additional fee charged for each set of special combat action ribbon license plates issued equal to the fee charged for personalized license plates in section 301.144. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2002 H.B. 1205, et al. merged with S.B. 745, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3086 - Delta Sigma Theta and Omega Psi Phi special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3086. Delta Sigma Theta and Omega Psi Phi special license plates, application, fee. —1. Any current member or alumnus of the Delta Sigma Theta or Omega Psi Phi Greek organizations at any college or university within this state may apply for special motor vehicle license plates for any motor vehicle

such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the appropriate organization. Delta Sigma Theta and Omega Psi Phi hereby authorize the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Delta Sigma Theta or Omega Psi Phi derived from this section, except reasonable administrative costs, shall be used solely for the purposes of those organizations. Any member of Delta Sigma Theta or Omega Psi Phi may annually apply for the use of the organization's emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Delta Sigma Theta or Omega Psi Phi, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Delta Sigma Theta or Omega Psi Phi. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Delta Sigma Theta or Omega Psi Phi emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Delta Sigma Theta or Omega Psi Phi emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al. merged with S.B. 1241, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3087 - Missouri State Humane Association special license plate, application, fee — Missouri pet spay/neuter fund created.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3087. Missouri State Humane Association special license plate, application, fee — Missouri pet spay/neuter fund created. —1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri State Humane Association. The Missouri State Humane Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. All emblem-use authorization fees, except reasonable administrative costs, shall be placed into a special fund as described in subsection 4 of this section and shall be used exclusively for the purpose of spaying and neutering dogs and cats in the state of Missouri. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri State Humane Association, the Missouri State Humane Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri State Humane Association and shall have the words "I'M PET FRIENDLY" on the license plates in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Missouri State Humane Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri State Humane Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. 4. The "Missouri Pet Spay/Neuter Fund" is hereby created as a special fund in the state treasury and shall be administered by the department of agriculture. This fund shall consist of moneys collected pursuant to this section. All moneys deposited in the Missouri pet spay/neuter fund, except reasonable administrative costs, shall be paid as grants to humane societies, local municipal animal shelters regulated by sections 273.400 to 273.405, and organizations exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to be used solely for the spaying and neutering of dogs and cats in the state of Missouri. For purposes of approving grants under this section, the governor shall appoint a volunteer board that shall consist of three Missouri residents, of which two shall be administrators of local municipal animal shelters regulated by sections 273.400 to 273.405 and one shall be an administrator of a humane society. Each of the three members shall be from separate congressional districts. Members of this board shall be appointed for three-year terms and shall meet at least twice a year to review grant applications. All moneys deposited in the Missouri pet spay/neuter fund, except reasonable administrative costs, shall be spent by the end of each fiscal year. Notwithstanding the provisions of section 33.080 to the contrary, if any moneys remain in the fund at the end of the biennium, said moneys shall not revert to the credit of the general revenue fund. ---------- (L. 2002 S.B. 960, A.L. 2016 H.B. 2380)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3088 - Prevent Disasters in Missouri, September 11, 2001, special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3088. Prevent Disasters in Missouri, September 11, 2001, special license plate, application, fee. —1. Any person who wishes to pay tribute to the disaster relief efforts made in the aftermath of the events of September 11, 2001, may apply for special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after payment of an annual contribution to the American Red Cross. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be deposited in and used solely for the purposes of the Missouri state service delivery area single family disaster fund. Any person may annually apply for such special license plates. 2. Upon annual application and payment of a twenty-five dollar contribution to the American Red Cross disaster relief fund, the organization shall issue to the vehicle owner, without further charge, an annual contribution statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual contribution statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate herein described. Such license plates shall have the words "PREVENT DISASTERS IN MISSOURI" in lieu of the words "SHOW-ME STATE" and shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129*. The license plates shall be inscribed with the image of an American flag, and further shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a special license plate pursuant to this section but who does not provide an annual contribution statement at a subsequent time of registration, shall be issued a new plate which does not bear the design as described in subsection 2 of this section, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3089 - Missouri Coroners' and Medical Examiners' Association special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3089. Missouri Coroners' and Medical Examiners' Association special license plate, application, fee. —1. Any person who is a member in good standing of the Missouri Coroners' and Medical Examiners' Association, after payment of an emblem-use authorization fee to the Missouri Coroners' and Medical Examiners' Association, may apply for coroners' office license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Coroners' and Medical Examiners' Association hereby authorizes the use of its official emblem to be affixed on multiyear license plates as provided in this section. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Coroners' and Medical Examiners' Association, the Missouri Coroners' and Medical Examiners' Association shall issue to a member, without further charge, an emblem-use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Any contribution to the Missouri Coroners' and Medical Examiners' Association derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Missouri Coroners' and Medical Examiners' Association. 3. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents required by law, the department of revenue shall issue a license plate to the member, which shall bear the emblem of the Missouri Coroners' and Medical Examiners' Association, the six-point star which is the universally recognized symbol for law enforcement, and the words "CORONERS' OFFICE" in place of the words "SHOW-ME STATE". The director of revenue shall annually set aside personalized license plates bearing each member's designated number to be issued to each member of the Missouri Coroners' and Medical Examiners' Association who meets all requirements established by this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130. 4. License plates issued pursuant to this section shall be held by the appropriate member of the Missouri Coroners' and Medical Examiners' Association only while such person remains a member in good standing of the Missouri Coroners' and Medical Examiners' Association. Within fifteen days of the loss of member-in-good-standing status, the member shall surrender the license plates issued pursuant to this section to the director of revenue, who shall make them available to the succeeding member of the Missouri Coroners' and Medical

Examiners' Association. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3090 - Operation Enduring Freedom special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3090. Operation Enduring Freedom special license plates, application, fee. —Any person who is serving on active duty or has served in any branch of the United States military, including the reserves or National Guard, during any part of Operation Enduring Freedom and has not been dishonorably discharged may receive special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service during Operation Enduring Freedom or proof of status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "OPERATION ENDURING FREEDOM" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the American flag. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2002 H.B. 1205, et al. merged with S.B. 957, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3092 - Friends of Arrow Rock special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3092. Friends of Arrow Rock special license plate, application, fee. —1. Any member of the organization known as Friends of Arrow Rock may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Friends of Arrow Rock of which the person is a member. Friends of Arrow Rock hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Friends of Arrow Rock derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Friends of Arrow Rock. Any member of Friends of Arrow Rock may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Friends of Arrow Rock, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Friends of Arrow Rock. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Friends of Arrow Rock emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Friends of Arrow Rock emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3093 - Eagle Scout special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3093. Eagle Scout special license plate, application, fee. —1. Any Eagle Scout or parents of an Eagle Scout may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Boy Scouts of America Council of which the person is a member or the parent of a member. The Boy Scouts of America hereby authorizes the use of its official Eagle Scout emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Boy Scouts of America derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Boy Scouts of America. Any Eagle Scout or parent of an Eagle Scout may annually apply for the use of the emblem. An Eagle Scout or parent of an Eagle Scout may apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state. 2. Upon annual application and payment of a

twenty-five dollar emblem-use contribution to the Boy Scouts of America, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the Eagle Scout emblem. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Eagle Scout emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Eagle Scout emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3094 - Tribe of Mic-O-Say special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3094. Tribe of Mic-O-Say special license plate, application, fee. —1. Any member of the Tribe of Mic-O-Say may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Tribe of Mic-O-Say of which the person is a member. The Tribe of Mic-O-Say hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Tribe of Mic-O-Say derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Tribe of Mic-O-Say. Any member of the Tribe of Mic-O-Say may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Tribe of Mic-O-Say, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Tribe of Mic-O-Say. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Tribe of Mic-O-Say emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Tribe of Mic-O-Say emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3095 - Order of the Arrow special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3095. Order of the Arrow special license plate, application, fee. —1. Any member of the Order of the Arrow may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Order of the Arrow of which the person is a member. The Order of the Arrow hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Order of the Arrow derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Order of the Arrow. Any member of the Order of the Arrow may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Order of the Arrow, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Order of the Arrow. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Order of the Arrow emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Order of the Arrow emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016

H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3096 - Missouri Federation of Square and Round Dance Clubs special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3096. Missouri Federation of Square and Round Dance Clubs special license plate, application, fee. —1. Any member of the Missouri Federation of Square and Round Dance Clubs may receive special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Federation of Square and Round Dance Clubs of which the person is a member. The Missouri Federation of Square and Round Dance Clubs hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Federation of Square and Round Dance Clubs derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Federation of Square and Round Dance Clubs. Any member of the Missouri Federation of Square and Round Dance Clubs may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Federation of Square and Round Dance Clubs, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Federation of Square and Round Dance Clubs. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Missouri Federation of Square and Round Dance Clubs emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Federation of Square and Round Dance Clubs emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3097 - God Bless America special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3097. God Bless America special license plate, application, fee. —1. Any vehicle owner may apply for "God Bless America" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the World War I memorial trust fund the vehicle owner may apply for the "God Bless America" plate. If the contribution is made directly to the Missouri veterans' commission they shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "God Bless America" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "God Bless America" plate. The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "God Bless America" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "God Bless America" plate shall bear the emblem of the American flag in a form prescribed by the director of revenue and shall have the words "GOD BLESS AMERICA" in place of the words "SHOW-ME-STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 2. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void. ---------- (L. 2002 H.B. 1093, et al. merged with S.B. 960, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3098 - Kingdom of Calontir special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3098. Kingdom of Calontir special license plate, application, fee. —1. Any member of the Kingdom of Calontir may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization

fee to the Kingdom of Calontir, a subdivision of the Society for Creative Anachronism, of which the person is a member. The Kingdom of Calontir hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Kingdom of Calontir derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Kingdom of Calontir. Any member of the Kingdom of Calontir may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Kingdom of Calontir, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Kingdom of Calontir and shall bear the words "KINGDOM OF CALONTIR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Society for Creative Anachronism emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Society for Creative Anachronism emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al. merged with S.B. 1241, et al., A.L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3099 - Missouri Civil War Reenactors Association special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3099. Missouri Civil War Reenactors Association special license plate, application, fee. —1. Any member of the Missouri Civil War Reenactors Association may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Civil War Reenactors Association of which the person is a member. The Missouri Civil War Reenactors Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Civil War Reenactors Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Civil War Reenactors Association. Any member of the Missouri Civil War Reenactors Association may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Civil War Reenactors Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Civil War Reenactors Association. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Missouri Civil War Reenactors Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Civil War Reenactors Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al. merged with S.B. 1241, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.310 - Owner may be instructed to replace plate — cancellation of registration — waiver of cost — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.310. Owner may be instructed to replace plate — cancellation of registration — waiver of cost — penalty. —1. Whenever a law enforcement officer observes a plate to be in such condition as to hinder or make difficult identification of same, he shall notify the director of revenue and instruct the owner to apply for a duplicate plate. 2. If the owner has not made application within fifteen days, the director of revenue may cancel such registration and notify the registrant and such cancellation shall remain in force until the application has been filed. 3. The director of revenue may at his discretion replace worn plates without cost to the registrant. 4. Failure to surrender a mutilated or worn plate for which duplicate has been issued shall be*punishable under section 301.440. ---------- (RSMo 1939 § 8379, A.L. 1941 p. 445,

A.L. 1947 V. I p. 380, A.L. 2009 H.B. 683) Prior revision: 1929 § 7771 *Word "be" omitted from original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3101 - Missouri-Kansas-Nebraska Conference of Teamsters special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3101. Missouri-Kansas-Nebraska Conference of Teamsters special license plate, application, fee. —1. Any member of the Missouri-Kansas-Nebraska Conference of Teamsters may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri-Kansas-Nebraska Conference of Teamsters of which the person is a member. The Missouri-Kansas-Nebraska Conference of Teamsters hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri-Kansas-Nebraska Conference of Teamsters derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri-Kansas-Nebraska Conference of Teamsters. Any member of the Missouri-Kansas-Nebraska Conference of Teamsters may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri-Kansas-Nebraska Conference of Teamsters, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri-Kansas-Nebraska Conference of Teamsters and the words "MKN Conference of Teamsters" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Missouri-Kansas-Nebraska Conference of Teamsters emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri-Kansas-Nebraska Conference of Teamsters emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3102 - St. Louis College of Pharmacy special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3102. St. Louis College of Pharmacy special license plate, application, fee. —1. Any vehicle owner who has obtained an annual emblem-use authorization statement from the St. Louis College of Pharmacy may, subject to the registration fees provided in section 301.055, apply for St. Louis College of Pharmacy license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The St. Louis College of Pharmacy hereby authorizes the use of its official emblem to be affixed on multiyear license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. Any contribution to the St. Louis College of Pharmacy derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the St. Louis College of Pharmacy. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the St. Louis College of Pharmacy, the St. Louis College of Pharmacy shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a license plate to the vehicle owner, which shall bear the emblem of the St. Louis College of Pharmacy in a form prescribed by the director, shall bear six letters or numbers and shall bear the words "ST. LOUIS COLLEGE OF PHARMACY" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the St. Louis College of Pharmacy emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the St. Louis College of Pharmacy emblem, as otherwise provided by law. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al. merged with S.B. 966 § 301.3042, A.L. 2016 H.B. 2380)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3103 - Fraternal Order of Police special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3103. Fraternal Order of Police special license plate, application, fee. —1. Any member of the fraternal order of police of the state of Missouri may receive special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the fraternal order of police of the state of Missouri. The fraternal order of police of the state of Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the fraternal order of police of the state of Missouri derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the fraternal order of police of the state of Missouri. Any member of the fraternal order of police of the state of Missouri may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the fraternal order of police of the state of Missouri, the fraternal order of police of the state of Missouri shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the fraternal order of police of the state of Missouri. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner who was previously issued a plate with the fraternal order of police of the state of Missouri emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration shall be issued a new plate which does not bear the fraternal order of police of the state of Missouri emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3105 - Veterans of Foreign Wars special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3105. Veterans of Foreign Wars special license plates, application, fee. —1. Any member of the Veterans of Foreign Wars may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Department of Missouri, Veterans of Foreign Wars of which the person is a member. The Veterans of Foreign Wars hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Veterans of Foreign Wars derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Department of Missouri, Veterans of Foreign Wars. Any member of the Veterans of Foreign Wars may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Department of Missouri, Veterans of Foreign Wars, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Veterans of Foreign Wars. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Veterans of Foreign Wars emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Veterans of Foreign Wars emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1205, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3106 - Former Missouri legislator special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3106. Former Missouri legislator special license plate, application, fee. —1. Any individual who is a former legislator of the Missouri general assembly may receive special

license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any individual who is a former legislator of the Missouri general assembly may annually apply for such license plates. 2. Upon presentation of the appropriate proof of eligibility as determined by the director and annual payment of a fifteen dollar fee in addition to the registration fee, and other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an appropriate emblem to be determined by the director, with the words "FORMER MISSOURI LEGISLATOR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. No more than two sets of license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3107 - Missouri Task Force One special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3107. Missouri Task Force One special license plate, application, fee. —1. Any member of Missouri Task Force One may receive special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any member of Missouri Task Force One may annually apply for such license plates. 2. Upon presentation of the appropriate proof of eligibility as determined by the director and annual payment of a fifteen dollar fee in addition to the registration fee, and other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an appropriate configuration to be determined by the director, with the words "MISSOURI TASK FORCE ONE" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. No more than one set of license plates shall be issued pursuant to this section to a qualified applicant. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1205, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3109 - Certain Greek organizations special license plates, application, fee (Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, Phi Beta Sigma).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3109. Certain Greek organizations special license plates, application, fee (Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, Phi Beta Sigma). —1. Any current member or alumnus of the Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, and Phi Beta Sigma Greek organizations at any college or university within this state may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the appropriate organization. Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, and Phi Beta Sigma hereby authorize the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma derived from this section, except reasonable administrative costs, shall be used solely for the purposes of those organizations. Any member of Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, and Phi Beta Sigma may annually apply for the use of the organization's emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the

annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Kappa Alpha Psi, Iota Phi Theta, Sigma Gamma Rho, Alpha Phi Alpha, Alpha Kappa Alpha, Zeta Phi Beta, or Phi Beta Sigma emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3115 - Air medal award special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3115. Air medal award special license plate, application, fee. —1. Any person who has been awarded the military service award known as the "Air Medal" may apply for Air Medal motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the Air Medal license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Air Medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "AIR MEDAL" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Air Medal. 3. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of Air Medal license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2002 S.B. 960, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3116 - Operation Noble Eagle special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3116. Operation Noble Eagle special license plate, application, fee. —Any person who is serving or has served in any branch of the United States military, including the reserves or National Guard, during any part of Operation Noble Eagle and has not been dishonorably discharged may receive special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service during Operation Noble Eagle or proof of status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "OPERATION NOBLE EAGLE" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the American flag. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2002 H.B. 1205, et al. merged with S.B. 957, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3117 - Jefferson National Parks Association special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3117. Jefferson National Parks Association special license plate, application, fee. —1. Any member of Jefferson National Parks Association may receive special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of

an emblem-use authorization fee to Jefferson National Parks Association of which the person is a member. Jefferson National Parks Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Jefferson National Parks Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Jefferson National Parks Association. Any member of Jefferson National Parks Association may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Jefferson National Parks Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee, and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Jefferson National Parks Association and shall have the words "JEFFERSON NATIONAL PARKS ASSOCIATION" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Jefferson National Parks Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Jefferson National Parks Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3118 - Missouri Elks Association special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3118. Missouri Elks Association special license plate, application, fee. —1. Any member of Missouri Elks Association may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Missouri Elks Association of which the person is a member. Missouri Elks Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Missouri Elks Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Missouri Elks Association. Any member of Missouri Elks Association may annually apply for the use of the emblem. 2. Upon annual application and payment of a fifteen dollar emblem-use contribution to Missouri Elks Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Missouri Elks Association. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Missouri Elks Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Elks Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3119 - Missouri Travel Council special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3119. Missouri Travel Council special license plate, application, fee. —1. Any individual may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Missouri Travel Council. Missouri Travel Council hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Missouri Travel Council derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Missouri Travel Council. Any member of Missouri Travel Council may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri Travel Council, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem

of Missouri Travel Council. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Missouri Travel Council emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Travel Council emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2002 H.B. 1093, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3121 - Spouse of military members may be issued special license plates, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3121. Spouse of military members may be issued special license plates, procedure. —1. Notwithstanding the provisions of any other section to the contrary, any surviving spouse who was married to an individual who would have been eligible to own any of the various special military license plates provided for in section 301.448, and who has not remarried, shall be allowed to obtain such special license plates. The surviving spouse shall make application, provide necessary documentation of the individual's military service, and pay such fees as are otherwise required by section 301.448, for issuance of the special military plates. Such plates must be renewed as otherwise required by law. The surviving spouse may renew such plates unless such spouse remarries. License plates issued pursuant to this section shall not be transferable to any other person. 2. The director of the department of revenue shall have the authority to promulgate any rules and regulations necessary for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536. ---------- (L. 2002 H.B. 1205, et al. § 301.450)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3122 - Friends of Kids with Cancer special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3122. Friends of Kids with Cancer special license plates, application, fee. —1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual contribution of an emblem-use authorization fee to the Friends of Kids with Cancer. The Friends of Kids with Cancer hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any person may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Friends of Kids with Cancer, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Friends of Kids with Cancer and shall bear the words "FRIENDS OF KIDS WITH CANCER" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Friends of Kids with Cancer emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Friends of Kids with Cancer emblem, as otherwise provided by law. 4. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3123 - Fight Terrorism special license plates, application, contribution requirement — fee — rules authorized.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3123. Fight Terrorism special license plates, application, contribution requirement — fee — rules authorized. —1. Any vehicle owner may apply for "FIGHT TERRORISM" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making an annual twenty-five dollar contribution to the antiterrorism fund established pursuant to section 41.033, the vehicle owner may apply for the "FIGHT

TERRORISM" plate. If the contribution is made directly to the Missouri office of homeland security it shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "FIGHT TERRORISM" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "FIGHT TERRORISM" plate. The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "FIGHT TERRORISM" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "FIGHT TERRORISM" plate shall bear an emblem prescribed by the director of revenue and shall have the words "FIGHT TERRORISM" in place of the words "SHOW-ME STATE". The insignia shall be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. 2. A vehicle owner, who was previously issued a "FIGHT TERRORISM" license plate authorized by this section but who does not provide proof of the annual contribution at a subsequent time of registration, shall be issued a new plate which does not bear the emblem or motto "FIGHT TERRORISM", as otherwise provided by law. 3. The director of revenue may promulgate rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void. ---------- (L. 2003 S.B. 4, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3124 - Special Olympics Missouri special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3124. Special Olympics Missouri special license plates, application, fee. —1. Any person may receive special license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Special Olympics Missouri. Special Olympics Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. 2. Upon annual application and payment of a twenty-five dollar emblem-use authorization fee to Special Olympics Missouri, that organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an emblem approved by Special Olympics Missouri and the director of the department of revenue and shall have the words "SPECIAL OLYMPICS MISSOURI" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Special Olympics Missouri emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Special Olympics Missouri emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3125 - Be An Organ Donor special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3125. Be An Organ Donor special license plates, application, fee. —1. Any vehicle owner may apply for "Be An Organ Donor" special personalized license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a twenty-five dollar annual contribution to the organ donor program fund, established pursuant to section 194.297, the vehicle owner may apply for the "Be An Organ Donor" plate. If the contribution is made directly to the state treasurer, the state treasurer shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Be An Organ Donor" license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the "Be An Organ Donor" plate.

The applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Be An Organ Donor" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 2. The "Be An Organ Donor" plate shall have the words "BE AN ORGAN DONOR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. These plates shall be designed by the director, in consultation with the organ donation advisory committee, established pursuant to section 194.300, to educate the public about the urgent need for organ donation and the life saving benefits of organ transplants. 4. A vehicle owner, who was previously issued a plate with the words "BE AN ORGAN DONOR" authorized by this section but who does not present a contribution receipt or make a contribution to the organ donor program fund at a subsequent time of registration, shall be issued a new plate which does not bear the words "BE AN ORGAN DONOR", as otherwise provided by law. 5. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3126 - Fox trotter — state horse special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3126. Fox trotter — state horse special license plates, application, fee. —1. Any member of the Missouri Fox Trotting Horse Breed Association may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Fox Trotting Horse Breed Association of which the person is a member. The Missouri Fox Trotting Horse Breed Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Fox Trotting Horse Breed Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Fox Trotting Horse Breed Association. Any member of the Missouri Fox Trotting Horse Breed Association may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Fox Trotting Horse Breed Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Fox Trotting Horse Breed Association and shall bear the words "FOX TROTTER - STATE HORSE" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Missouri Fox Trotting Horse Breed Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Fox Trotting Horse Breed Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 H.B. 1167 merged with S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3128 - To Protect and Serve special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3128. To Protect and Serve special license plates, application, fee. —1. Any person, as defined by subsection 3 of this section, may apply for special license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any person desiring a special license plate as provided by this section shall make an application for the special license plates on a form provided by the director of revenue and furnish proof of eligibility as the director may require. 2. Upon payment of a fifteen dollar fee in addition to the registration fee and other documents

which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an insignia depicting a yellow rose superimposed over the outline of a badge and shall bear the words "TO PROTECT AND SERVE" in the place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. As used in this section the term"person"shall mean: (1) A person wounded in the line of duty as a peace officer; or (2) A surviving spouse, parent, brother, sister, or adult child, including an adopted child or stepchild, of a person killed in the line of duty as a peace officer. 4. As used in this section, the term peace officer has the same meaning assigned by section 590.010. 5. The director may consult with any organization which represents the interests of any person, as defined in subsection 3 of this section when formulating the design for the special license plate described in this section. 6. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 H.B. 1114 merged with S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3129 - Firefighters, special license plates — fee, appearance of plate, application procedure — definition of person eligible for plate — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3129. Firefighters, special license plates — fee, appearance of plate, application procedure — definition of person eligible for plate — rulemaking authority. —1. Any person, as defined by subsection 3 of this section, may apply for special license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any person desiring a special license plate as provided by this section shall make an application for the special license plates on a form provided by the director of revenue and furnish proof of eligibility as the director may require. 2. Upon payment of a fifteen dollar fee in addition to the registration fee and other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear an insignia designed by the director or the director's designee and shall bear the words "FIREFIGHTERS MEMORIAL" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. As used in this section the term"person"shall mean: (1) A person wounded in the line of duty as a firefighter; or (2) A surviving spouse, parent, brother, sister, or adult child, including an adopted child or stepchild, of a person killed in the line of duty as a firefighter. 4. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 H.B. 1114, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3130 - Missouri Association of State Troopers Emergency Relief Society, special license plate — emblem authorization — use of contributions, fee, application procedure — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3130. Missouri Association of State Troopers Emergency Relief Society, special license plate — emblem authorization — use of contributions, fee, application procedure — rulemaking authority. —1. Any member of the Missouri Association of State Troopers Emergency Relief Society, after an annual payment of an emblem-use authorization fee to the Missouri Association of State Troopers Emergency Relief Society, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Association of State Troopers Emergency Relief Society hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue as provided in this section. Any contribution to the Missouri Association of State Troopers Emergency Relief Society derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Association of State Troopers Emergency Relief Society. Any member of the Missouri Association of State Troopers Emergency Relief Society may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Association of State Troopers Emergency Relief Society, the Missouri Association of State Troopers Emergency Relief Society shall issue to the vehicle owner, without further

charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Missouri Association of State Troopers Emergency Relief Society and the words "The MASTERS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner who was previously issued a plate with the Missouri Association of State Troopers Emergency Relief Society emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Association of State Troopers Emergency Relief Society emblem, as otherwise provided by law. 4. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 H.B. 1405 merged with S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3131 - Optimist International special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3131. Optimist International special license plates, application, fee. —1. Any member of Optimist International may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to Optimist International of which the person is a member. Optimist International hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Optimist International derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Optimist International. Any member of Optimist International may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Optimist International, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Optimist International and shall have the words "FRIEND OF YOUTH" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Optimist International emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Optimist International emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3132 - Missouri Society of Professional Engineers special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3132. Missouri Society of Professional Engineers special license plates, application, fee. —1. Any member of or designated by the Missouri Society of Professional Engineers may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri Society of Professional Engineers Educational Foundation. The Missouri Society of Professional Engineers hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Missouri Society of Professional Engineers Educational Foundation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Society of Professional Engineers Educational Foundation and shall be deposited into the society's educational fund. Any member of or person designated by the Missouri Society of Professional Engineers may annually apply for the use of the emblem. 2. Upon annual application and annual payment of a twenty-five dollar emblem-use contribution to the

Missouri Society of Professional Engineers Educational Foundation, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri Society of Professional Engineers and the words "MISSOURI SOCIETY OF PROFESSIONAL ENGINEERS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be added or charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Missouri Society of Professional Engineers' emblem authorized by this section but who does not provide an emblem-use authorization statement at the subsequent time of registration, shall be issued a new plate which does not bear the Missouri Society of Professional Engineers' emblem, as otherwise provided by law. 4. The director of the department of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 H.B. 1449 merged with S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3133 - Lewis and Clark expedition anniversary special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3133. Lewis and Clark expedition anniversary special license plates, application, fee. —1. Any vehicle owner, after an annual contribution to the Missouri Travel Council, may receive special license plates commemorating the bicentennial anniversary of the Lewis and Clark expedition for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Travel Council, in conjunction with the department of revenue, shall design the Lewis and Clark bicentennial special license plate. The background of the plate shall depict a full-color image, covering the entire plate, and lightened across two-thirds of the area so as not to hinder the readability of the license plate registration number. Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 2. Upon making a twenty-five dollar contribution to the Missouri Travel Council, the motor vehicle owner may apply for the special license plate commemorating the bicentennial anniversary of the Lewis and Clark expedition. If the contribution is made directly to the Missouri Travel Council, the Missouri Travel Council shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the Lewis and Clark special license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the Lewis and Clark plate. The applicant for such special license plate must pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of Lewis and Clark plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. 4. A vehicle owner who was previously issued a Lewis and Clark special license plate pursuant to this section, but does not provide a receipt evidencing a contribution to the Missouri Travel Council or make a contribution directly to the department of revenue at a subsequent time of registration, shall be issued a new license plate which does not commemorate the bicentennial anniversary of the Lewis and Clark expedition. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3137 - Alpha Phi Omega special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3137. Alpha Phi Omega special license plates, application, fee. —1. Any current member or alumnus of the Alpha Phi Omega organizations at any college or university within this state may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross

weight, after an annual payment of an emblem-use authorization fee to Alpha Phi Omega. Alpha Phi Omega hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Alpha Phi Omega derived from this section, except reasonable administrative costs, shall be used solely for the purposes of that organization. Any member or alumnus of Alpha Phi Omega may annually apply for the use of the organization's emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Alpha Phi Omega, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Alpha Phi Omega and the words "ALPHA PHI OMEGA" shall replace the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Alpha Phi Omega emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Alpha Phi Omega emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3139 - Boy Scouts of America special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3139. Boy Scouts of America special license plates, application, fee. —1. Any Boy Scout of appropriate age as prescribed by law or parent of a Boy Scout may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Boy Scouts of America Council of which the person is a member or the parent of a member. The Boy Scouts of America hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Boy Scouts of America derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Boy Scouts of America. Any Boy Scout or parent of a Boy Scout may annually apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Boy Scouts of America, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Boy Scouts of America and the words "BOY SCOUTS OF AMERICA" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Boy Scouts of America emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Boy Scouts of America emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 H.B. 1317 merged with S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3141 - Some Gave All special license plate — contribution — fee, design — rulemaking authority — exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3141. Some Gave All special license plate —

contribution — fee, design — rulemaking authority — exception. —1. Any parent or sibling who has had a member of his or her immediate family die in the line of duty while serving in the U.S. Armed Forces, after making an annual payment described in subsection 2 of this section to the Veterans of Foreign Wars Department of Missouri and paying all applicable registration fees, may receive special license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Veterans of Foreign Wars Department of Missouri, in conjunction with the director of the department of revenue, shall design the special license plate. Any immediate family member of a fallen soldier may apply annually for the use of the emblem. 2. Upon making a twenty-five dollar contribution to the Veterans of Foreign Wars Department of Missouri, the motor vehicle owner may apply for the special license plate described in this section. If the contribution is made directly to the Veterans of Foreign Wars Department of Missouri, the Veterans of Foreign Wars Department of Missouri shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the special license plate. If the contribution is made directly to the director of revenue, the director shall note the contribution, and the owner then may apply for the special license plate. All contribution fees shall be remitted to the Veterans of Foreign Wars Department of Missouri. 3. Upon presentation of the receipt described in subsection 2 of this section or payment of the twenty-five dollar contribution directly to the department of revenue, payment of a fifteen dollar fee in addition to the regular registration fees, presentation of any documents that may be required by law, and any proof that the applicant's family member died in the line of duty while serving in the United States Armed Forces as the director may require, the director of revenue shall issue to the vehicle owner a special license plate that shall bear the emblem of a five-pointed star and the words "SOME GAVE ALL" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates under this section. 4. A vehicle owner who previously was issued a special license plate authorized by this section, but who does not provide a receipt as described under subsection 2 of this section at a subsequent time of registration, shall be issued a new plate that does not bear the emblem described in this section, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void. 5. The provisions of section 301.3150 shall not apply to the specialized license plate created under this section. ---------- (L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3142 - Military killed in line of duty special license plates, application by immediate family members, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3142. Military killed in line of duty special license plates, application by immediate family members, fee. —1. Any immediate family member, including stepsiblings or stepchildren, who wishes to pay tribute to a member of the United States military who was a resident of this state and who was killed in the line of duty may receive special personalized license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of eligibility as the director may require. 3. Upon presentation of such proof of eligibility and payment of the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the initials of the member of the United States military killed while in the line of duty, a gold star on the left side of the plates, followed by a three-letter description of the relative's relation to the veteran, provided such license plate configuration is not currently in use, and the words "WE SHALL NOT FORGET" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 4. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. 6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. 7. The director shall make all necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general

assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2014 S.B. 600, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3143 - Delta Tau Delta special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3143. Delta Tau Delta special license plates, application, fee. —1. Any current member or alumnus of the Delta Tau Delta organization at any college or university within this state may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the appropriate organization. Delta Tau Delta hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Delta Tau Delta derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the organization. Any member of Delta Tau Delta may annually apply for the use of the organization's emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Delta Tau Delta, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee, and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Delta Tau Delta and shall bear the words "DELTA TAU DELTA" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Delta Tau Delta emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Delta Tau Delta emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3144 - Camp Quality special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3144. Camp Quality special license plates, application, fee. —1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual contribution of an emblem-use authorization fee to Camp Quality of Missouri. Any contribution given pursuant to this section shall be designated for the sole use of providing scholarships to children with cancer who are residents of the state of Missouri for attendance at any summer camp conducted by Camp Quality in the state of Missouri. Camp Quality of Missouri hereby authorizes the use of its official emblem to be affixed on single-year or multiyear personalized license plates as provided in this section. Any person may annually or biennially apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Camp Quality of Missouri, that organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual or biennial statement, payment of a fifteen dollar fee, in addition to the registration fees, and presentation of other documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Camp Quality of Missouri and shall bear the words "CAMP QUALITY-FUN FOR KIDS WITH CANCER" in the place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Camp Quality of Missouri emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Camp Quality of Missouri emblem, as otherwise provided by law. 4. The director of the department of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant

to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3145 - American Heart Association special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3145. American Heart Association special license plates, application, fee. —1. Any supporter of the American Heart Association of appropriate age as prescribed by law may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the American Heart Association of which the person is a supporter. The American Heart Association hereby authorizes the use of its official emblem red dress icon to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the American Heart Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the American Heart Association. Any supporter of the American Heart Association may annually apply for the use of the emblem and pay the twenty-five dollar emblem-use authorization fee at any local district council in the state. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Heart Association, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the red dress icon on the left side of the plate and the words "WINNING WOMEN" shall replace the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the red dress icon emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the red dress icon emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al. § 301.3155, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3146 - Search and Rescue special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3146. Search and Rescue special license plates, application, fee. —1. Any member of the search and rescue council of Missouri, after an annual payment of an emblem-use authorization fee to the search and rescue council of Missouri, may receive special license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The search and rescue council of Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the search and rescue council of Missouri derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the search and rescue council of Missouri. Any member of the search and rescue council of Missouri may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the search and rescue council of Missouri, the search and rescue council of Missouri shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the search and rescue council of Missouri and the words "SEARCH AND RESCUE" in place of the words "SHOW-ME-STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 3. A vehicle owner who was previously issued a plate with the search and rescue council of Missouri emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the search and rescue council of Missouri emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3147 - Theta Chi special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3147. Theta Chi special license plates, application, fee. —1. Any current undergraduate or alumnus member of any chapter of Theta Chi Fraternity may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual contribution of at least twenty-five dollars to the Foundation Chapter of Theta Chi Fraternity, Inc. Theta Chi Fraternity, Inc., hereby authorizes the use of their official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Theta Chi Fraternity, Inc., derived from this section, except reasonable administrative costs, shall be used solely for the purposes of that organization. Any undergraduate or alumnus member of Theta Chi Fraternity, Inc., may annually apply for the use of the organization's emblem. 2. Upon annual application and payment of twenty-five dollars to the Foundation Chapter of Theta Chi Fraternity, Inc., the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Theta Chi Fraternity, Inc., and shall bear the words "THETA CHI FRATERNITY" in the place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for personalization of license plates pursuant to this section. 3. A vehicle owner, who was previously issued a plate with the Theta Chi Fraternity, Inc., emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Theta Chi Fraternity, Inc., emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3148 - Missouri DeMolay, special license plates — emblem authorization — use of contributions, fee, application procedure — new plates issued, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3148. Missouri DeMolay, special license plates — emblem authorization — use of contributions, fee, application procedure — new plates issued, when. —1. Any member of Missouri DeMolay may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to Missouri DeMolay. Missouri DeMolay hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Missouri DeMolay derived from this section, except reasonable administrative costs, shall be used solely for Missouri DeMolay scholarships and other charitable programs. Any member of Missouri DeMolay may annually apply to Missouri DeMolay for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri DeMolay, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri DeMolay, to the vehicle owner. 3. The license plate authorized by this section shall be in a form prescribed by the advisory committee established in section 301.129*, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. 4. A vehicle owner, who was previously issued a plate with the Missouri DeMolay emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri DeMolay emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2004 H.B. 1405) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3150 - Procedure for approval, exceptions — transfer of moneys collected.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3150. Procedure for approval, exceptions —

transfer of moneys collected. —1. An organization, other than an organization seeking a special military license plate or a collegiate or university plate, that seeks authorization to establish a new specialty license plate shall initially petition the department of revenue by submitting the following: (1) An application in a form prescribed by the director for the particular specialty license plate being sought, describing the proposed specialty license plate in general terms and have a sponsor of at least one current member of the general assembly in the same legislative session in which the application is reviewed pursuant to subsection 5 of section 21.795. The application may contain written testimony for support of this specialty plate; (2) Each application submitted pursuant to this section shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate if the specialty plate is approved pursuant to this section; (3) An application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing and programming the implementation of the specialty plate, if authorized; and (4) All moneys received by the department of revenue, for the reviewing and development of specialty plates shall be deposited in the state treasury to the credit of the "Department of Revenue Specialty Plate Fund" which is hereby created. The state treasurer shall be custodian of the fund and shall make disbursements from the fund requested by the Missouri director of revenue for personal services, expenses, and equipment required to prepare, review, develop, and disseminate a new specialty plate and process the two hundred applications to be submitted once the plate is approved and to refund deposits for the application of such specialty plate, if the application is not approved by the joint committee on transportation oversight and for no other purpose. 2. At the end of each state fiscal year, the director of revenue shall: (1) Determine the amount of all moneys deposited into the department of revenue specialty plate fund; (2) Determine the amount of disbursements from the department of revenue specialty plate fund which were made to produce the specialty plate and process the two hundred applications; and (3) Subtract the amount of disbursements from the income figure referred to in subdivision (1) of this subsection and deliver this figure to the state treasurer. 3. The state treasurer shall transfer an amount of money equal to the figure provided by the director of revenue from the department of revenue specialty plate fund to the state highway department fund. An unexpended balance in the department of revenue specialty plate fund at the end of the biennium not exceeding twenty-five thousand dollars shall be exempt from the provisions of section 33.080 relating to transfer of unexpended balances to the general revenue fund. 4. The documents and fees required pursuant to this section shall be submitted to the department of revenue by July first prior to the next regular session of the general assembly to be approved or denied by the joint committee on transportation oversight during that legislative session. 5. The department of revenue shall give notice of any proposed specialty plate in a manner reasonably calculated to advise the public of such proposal. Reasonable notice shall include posting the proposal for the specialty plate on the department's official public website, and making available copies of the specialty plate application to any representative of the news media or public upon request and posting the application on a bulletin board or other prominent public place which is easily accessible to the public and clearly designated for that purpose at the principal office. 6. Adequate notice conforming with all the requirements of subsection 5 of this section shall be given not less than four weeks, exclusive of weekends and holidays when the facility is closed, after the submission of the application by the organization to the department of revenue. Written or electronic testimony in support or opposition of the proposed specialty plate shall be submitted to the department of revenue by November thirtieth of the year of filing of the original proposal. All written testimony shall contain the printed name, signature, address, phone number, and email address, if applicable, of the individual giving the testimony. 7. The department of revenue shall submit for approval all applications for the development of specialty plates to the joint committee on transportation oversight during a regular session of the general assembly for approval. 8. If the specialty license plate requested by an organization is approved by the joint committee on transportation oversight, the organization shall submit the proposed art design for the specialty license plate to the department as soon as practicable, but no later than sixty days after the approval of the specialty license plate. If the specialty license plate requested by the organization is not approved by the joint committee on transportation oversight, ninety-seven percent of the application fee shall be refunded to the requesting organization. 9. An emblem-use authorization fee may be charged by the organization prior to the issuance of an approved specialty plate. The organization's specialty plate proposal approved by the joint committee on transportation oversight shall state what fee is required to obtain such statement and if such fee is required annually or biennially, if the applicant has a two-year registration. An organization applying for specialty plates shall authorize the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the organization derived from the emblem-use contribution, except reasonable administrative costs, shall be used solely for the purposes of the organization. Any member of the organization or nonmember, if applicable, may annually apply for the use of the emblem, if applicable. 10. The department shall begin production and distribution of each new specialty license plate within one year after approval of the specialty license plate by the joint committee on transportation oversight. 11. The department shall issue a specialty license plate to the owner who meets the requirements for issuance of the specialty plate for any motor vehicle such owner owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 12. Each new or renewed application for an approved specialty license plate shall be made to the department of revenue, accompanied by an additional fee of fifteen dollars and the appropriate emblem-use authorization statement. 13. The appropriate registration fees, fifteen dollar specialty plate fee, processing fees and documents otherwise required for the issuance of registration of the motor vehicle as set forth by law must be submitted at the time the specialty plates are actually issued and renewed or as otherwise provided by law. However, no additional fee for the personalization of this plate shall be charged. 14. Once a specialty plate design is approved, a request for such plate may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, all documentation, credits, and fees provided for in this chapter when replacing a current license plate shall apply. 15. A vehicle owner who was previously issued a plate with an organization emblem

authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration if required, shall be issued a new plate which does not bear the organization's emblem, as otherwise provided by law. 16. Specialty license plates shall bear a design approved by the organization submitting the original application for approval by the joint committee on transportation oversight. The design shall be within the plate area prescribed by the director of revenue, and the designated organization's name or slogan shall be in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130 and as provided in this section. In addition to a design, the specialty license plates shall be in accordance with criteria and plate design set forth in this chapter. 17. The department is authorized to discontinue the issuance and renewal of a specialty license plate if the organization has stopped providing services and emblem-use authorization statements are no longer being issued by the organization. Such organizations shall notify the department immediately to discontinue the issuance of a specialty plate. 18. The organization that requested the specialty license plate shall not redesign the specialty personalized license plate unless such organization pays the director in advance all redesigned plate fees. All plate holders of such plates must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty plate. All other applicable license plate fees in accordance with this chapter shall be required. ---------- (L. 2004 S.B. 1233, et al., A.L. 2012 S.B. 480 merged with S.B. 563, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3152 - Appeal procedure for denial.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3152. Appeal procedure for denial. —Any person or organization who has received a notice of denial of application for development of a specialty plate may make a request to the joint committee on transportation oversight within fifteen days of receipt of the notice for a review of the committee's determination at a hearing before the committee at a time deemed appropriate. ---------- (L. 2004 S.B. 1233, et al.) Effective 1-01-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3154 - Fee, amount — exemptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3154. Fee, amount — exemptions. —Beginning January 1, 2005, the fee for any special license plate approved under section 21.795, sections 301.3150 and 301.3152, and this section shall be fifteen dollars for an annual registration and thirty dollars for a biennial registration in addition to registration fees. The provisions of this section shall not apply to special military license plates. The fees for special military license plates shall be assessed as provided for by the statute creating such license plate except that no additional fee shall be charged for personalized military plates. ---------- (L. 2004 S.B. 1233, et al.) Effective 1-01-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3158 - Legion of merit medal special license plate, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3158. Legion of merit medal special license plate, procedure. —Any person who has been awarded the military service award known as the legion of merit medal may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the legion of merit medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "LEGION OF MERIT" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the legion of merit medal. There shall be an additional fee charged for each set of legion of merit license plates issued under this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2010 H.B. 1524 & 2260, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3159 - Meritorious Service special license plate — application, procedure, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3159. Meritorious Service special license plate — application, procedure, fee. —Any person who has been awarded the military service award known as the meritorious service medal may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and

furnish such proof as a recipient of the meritorious service medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "MERITORIOUS SERVICE" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the meritorious service medal. There shall be an additional fee charged for each set of meritorious service license plates issued under this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2020 H.B. 1963 merged with S.B. 656) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3161 - Cass County — The Burnt District special license plate authorized, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3161. Cass County — The Burnt District special license plate authorized, fee. —1. Notwithstanding any other provision of law to the contrary, any person may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual contribution of twenty-five dollars to the Cass County collector of revenue. Any contribution derived from this section, except reasonable administrative costs, shall be distributed within the county as follows: (1) Seventy percent to public safety; (2) Fifteen percent to the Cass County Historical Society; and (3) Fifteen percent to the Cass County parks and recreation department. 2. Upon annual application and payment of twenty-five dollars to the Cass County collector of revenue, the county shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the words "CASS COUNTY — THE BURNT DISTRICT" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be yellow beginning at the top with the color fading into orange at the bottom and shall have a black decorative scroll on the left and right side of the plate configuration. The scrolls shall not be more than one inch in width or three and one-half inches in height. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for personalization of license plates under this section. 3. A vehicle owner who was previously issued a plate with the emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Cass County Burnt District emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates. 5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required. ---------- (L. 2011 H.B. 307 and H.B. 812, A.L. 2012 H.B. 1807, et al. merged with S.B. 480, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3162 - Nixa Education Foundation special license plate authorized, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3162. Nixa Education Foundation special license plate authorized, fee. —1. Notwithstanding any other provision of law, any person, after an annual payment of an emblem-use fee to the Nixa Education Foundation, may receive personalized speciality license plates for any motor vehicle owned, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Nixa Education Foundation hereby authorizes the use of its official emblem to be affixed on multi-year personalized speciality license plates as provided in this section. Any contribution to the Nixa Education Foundation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Nixa Education

Foundation. Any person may annually apply for the use of the emblem. 2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Nixa Education Foundation, the Nixa Education Foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a personalized speciality license plate which shall bear the emblem of the Nixa Education Foundation. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. In addition, upon each set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words "NIXA EDUCATION FOUNDATION". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalized specialty plates issued under this section. 3. A vehicle owner who was previously issued a plate with the Nixa Education Foundation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Nixa Education Foundation's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a Nixa Education Foundation speciality plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the speciality plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such personalized specialty license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates. ---------- (L. 2011 H.B. 307 and H.B. 812 § 301.4006, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3163 - Don't Tread on Me specialty personalized license plate authorized.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3163. Don't Tread on Me specialty personalized license plate authorized. —Any person may apply for specialty personalized "Don't Tread on Me" motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Such person shall make application for the specialty personalized license plates on a form provided by the director of revenue. The director shall then issue specialty personalized license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "DON'T TREAD ON ME" centered on the bottom one-fourth of the plate, in bold, all capital letters, and with lettering identical to the lettering used for the word "MISSOURI" on the regular state license plate. Such words shall be no smaller than forty-eight point type. Such plates shall be tiger yellow beginning at the top and bottom, with the color fading into white in the center. All numbers and letters shall be black. The left side shall contain a reproduction of the "Gadsden Snake" in black and white, with the snake to be three inches in height and two inches wide, and sitting on green grass that is two and one-quarter inches wide. Upon payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized plate. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. ---------- (L. 2011 H.B. 307 and H.B. 812 § 301.4035, A.L. 2012 H.B. 1141 merged with H.B. 1807, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3165 - DARE TO DREAM special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3165. DARE TO DREAM special license plate, application, fee. —1. Any vehicle owner may apply for special "DARE TO DREAM" motor vehicle license plates as prescribed by this section for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after making an annual contribution of twenty-five dollars to the Martin Luther King, Jr. state celebration commission fund. If the contribution is made directly to the Martin Luther King, Jr. state celebration commission, the commission shall issue the individual making a contribution a receipt, verifying the contribution, that may be used to apply for the "DARE TO DREAM" license plate described in this section. If the contribution is made directly to the director of revenue, the director shall note the contribution and the owner may then apply for the "DARE TO DREAM" license plate. All contributions shall be credited to the Martin Luther King, Jr. state celebration commission fund as established in subsection 4 of this section and shall be used for the sole purpose of funding appropriate activities for the recognition and celebration of Martin Luther King, Jr. Day in Missouri. 2. Upon payment of a twenty-five dollar contribution to the Martin Luther King, Jr. state celebration commission fund as described in subsection 1 of this section, the payment of a fifteen dollar fee in addition to regular registration fees, and the presentment of other documents which may be required by law, the director

shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Martin Luther King, Jr. state celebration commission and the words "DARE TO DREAM" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with words "DARE TO DREAM" as authorized by this section but who does not present proof of payment of an annual twenty-five dollar contribution to the Martin Luther King, Jr. state celebration commission fund at a subsequent time of registration shall be issued a new plate which does not bear the words "DARE TO DREAM", as otherwise provided by law. 4. There is established in the state treasury the "Martin Luther King, Jr. State Celebration Commission Fund". The state treasurer shall credit to and deposit in the fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section. The state treasurer shall be custodian of the fund. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the sole purpose of funding appropriate activities for the recognition and celebration of Martin Luther King, Jr. Day in Missouri. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. 5. The director shall consult with the Martin Luther King, Jr. state celebration commission and the office of administration when formulating the design for the special license plate described in this section. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. ---------- (L. 2012 H.B. 1807, et al., A.L. 2015 S.B. 166, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3166 - National Wild Turkey Federation special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3166. National Wild Turkey Federation special license plate, application, fee. —1. Notwithstanding any other provision of law to the contrary, any member of the National Wild Turkey Federation, after an annual payment of an emblem-use fee to the National Wild Turkey Federation, may receive specialty personalized license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The National Wild Turkey Federation hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Wild Turkey Federation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Wild Turkey Federation. Any member of the National Wild Turkey Federation may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Wild Turkey Federation, the National Wild Turkey Federation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the National Wild Turkey Federation, and the words "National Wild Turkey Federation" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with the National Wild Turkey Federation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Wild Turkey Federation's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a National Wild Turkey Federation specialty personalized plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty

plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates. 5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required. ---------- (L. 2012 H.B. 1807, et al. § 301.4044 and S.B. 480 § 301.4036, A.L. 2014 H.B. 1245, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3167 - GO TEAM USA special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3167. GO TEAM USA special license plate, application, fee. —1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the United States Olympic Committee, may receive specialty personalized license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The United States Olympic Committee hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. The twenty-five dollar emblem use contribution shall be split fifty percent to the Springfield Olympic community development program and fifty percent to the United States Olympic Committee. Any contribution to the United States Olympic Committee or the Springfield Olympic community development program derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the United States Olympic Committee or the Springfield Olympic community development program. Any person may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the United States Olympic Committee, the United States Olympic Committee shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the United States Olympic Committee, and the words "GO TEAM USA" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 3. A vehicle owner who was previously issued a plate with the United States Olympic Committee's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the United States Olympic Committee's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a United States Olympic Committee specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates. 5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required. ---------- (L. 2012 H.B. 1807, et al. § 301.4039, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3168 - PROUD SUPPORTER (American Red Cross) special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3168. PROUD SUPPORTER (American Red Cross) special license plate, application, fee. —1. Notwithstanding any other provision of law to the contrary, any person after an annual payment of an emblem-use fee to the American Red Cross trust fund may receive specialty personalized license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Chapter of the American Red Cross hereby authorizes the use of its official emblem to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the American Red Cross derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the American Red Cross. Any person may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Red Cross

trust fund, the Missouri Chapter of the American Red Cross shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the Missouri Chapter of the American Red Cross, and the words "PROUD SUPPORTER" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 3. A vehicle owner who was previously issued a plate with the Missouri Chapter of the American Red Cross' emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Chapter of the American Red Cross' emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a Missouri Chapter of the American Red Cross specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates. 5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required. ---------- (L. 2012 H.B. 1807, et al. § 301.4040 and S.B. 480 § 301.4040, A.L. 2014 H.B. 1245, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3169 - Pony Express special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3169. Pony Express special license plate, application, fee. —1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Pony Express Museum in St. Joseph, may receive specialty personalized license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Pony Express Museum will provide a logo to be affixed on specialty license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the Pony Express Museum derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Pony Express Museum. Any person may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Pony Express Museum, the museum shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the rider on horseback emblem, and the words "Pony Express" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 3. A vehicle owner who was previously issued a plate with the Pony Express Museum's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Pony Express Museum's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a Pony Express specialty personalized plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem-use statements, if applicable, and other required documents or fees for such plates. 5. The specialty personalized plate

shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required. ---------- (L. 2012 H.B. 1807, et al. § 301.4042, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3170 - National Rifle Association special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3170. National Rifle Association special license plate, application, fee. —1. Notwithstanding any other provision of law to the contrary, any member of the National Rifle Association, after an annual payment of an emblem-use fee to the National Rifle Association, may receive specialty personalized license plates for any motor vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The National Rifle Association hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Rifle Association derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Rifle Association. Any member of the National Rifle Association may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the National Rifle Association, the National Rifle Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of the National Rifle Association, and the words National Rifle Association at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with the National Rifle Association's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Rifle Association's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a National Rifle Association specialty personalized plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates. 5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design the member must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required. ---------- (L. 2012 H.B. 1807, et al. § 301.4045 and S.B. 480 § 1, A.L. 2014 H.B. 1245, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3172 - Woman Veteran special license plate, application fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3172. Woman Veteran special license plate, application fee. —1. Any woman who currently serves in any branch of the United States Armed Forces or who was honorably discharged from such service may apply for special personalized motor vehicle license plates for any vehicle she owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. 2. Any such woman shall apply for the special personalized license plates on a form provided by the director of revenue and furnish such proof of military service as the director may require. 3. Upon presentation of such proof of military service, payment of a fee of fifteen dollars in addition to the regular registration fees, and presentation of any documents which may be required by law the director of revenue shall issue to the vehicle owner special personalized license plates which shall bear the words "WOMAN VETERAN" at the bottom of the plates in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 4. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for a

vehicle owned solely or jointly by such person. 6. License plates issued under the provisions of this section shall not be transferable to any other person except any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. 7. The director shall consult with the Missouri Veterans Commission when determining or designing the image which shall be placed on the plates authorized under this section. 8. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. ---------- (L. 2014 S.B. 600)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3173 - Missouri Boys State and Missouri Girls State special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3173. Missouri Boys State and Missouri Girls State special license plate, application, fee. —1. Notwithstanding any other provision of law to the contrary, anyone who participated in the American Legion's Missouri Boys State Program or the American Legion's Missouri Girls State Program, after an annual payment of an emblem-use fee to Missouri Boys State or Missouri Girls State, may receive specialty personalized license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The American Legion Missouri Boys State and the American Legion Missouri Girls State hereby authorizes the use of its official emblem to be affixed on specialty personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to Missouri Boys State or Missouri Girls State derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Boys State Program or the Missouri Girls State Program. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri Boys State or Missouri Girls State, Missouri Boys State or Missouri Girls State shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a specialty personalized license plate which shall bear the emblem of Missouri Boys State and the words Missouri Boys State at the bottom of the plate, or Missouri Girls State and the words Missouri Girls State at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with Missouri Boys State's emblem or the Missouri Girls State's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Boys State's emblem or the Missouri Girls State's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a Missouri Boys State or Missouri Girls State specialty personalized plate authorized under this section the department of revenue shall be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty personalized plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the fifteen dollar specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates. 5. The specialty personalized plate shall not be redesigned unless either organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a member chooses to replace the specialty personalized plate for the new design, the member shall pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plates fees in accordance with this chapter shall be required. ---------- (L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3174 - Association of Missouri Electric Cooperatives special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3174. Association of Missouri Electric Cooperatives special license plate, application, fee. —1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Association of Missouri Electric Cooperatives. The

Association of Missouri Electric Cooperatives hereby authorizes the use of its official lineman emblem to be affixed on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly. Any contribution to such association derived from this section, except reasonable administrative costs, shall be used solely for financial assistance for lineman training programs. Any Missouri resident may annually apply to the association for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Association of Missouri Electric Cooperatives, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate or plates, which shall bear the emblem of the Association of Missouri Electric Cooperatives' lineman, to the vehicle owner. Notwithstanding any provision of law to the contrary, the department of revenue shall issue the license plate or plates, as authorized in this section, for nonapportioned vehicles of any classification for which it issues a license plate or plates. 3. The license plate or plates authorized by this section shall be of a design submitted by the Association of Missouri Electric Cooperatives and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate or plates. 4. A vehicle owner, who was previously issued a plate or plates with the Association of Missouri Electric Cooperatives' lineman emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate or plates which do not bear the Association of Missouri Electric Cooperatives' lineman emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 2019 H.B. 831 merged with H.B. 926 § 301.3066, A.L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3175 - Back the Blue special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3175. Back the Blue special license plate, application, fee. —1. Any vehicle owner may apply for "Back the Blue" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the Missouri Law Enforcement Memorial Foundation, the vehicle owner may apply for the "Back the Blue" plate. If the contribution is made directly to the Missouri Law Enforcement Memorial Foundation, the foundation shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Back the Blue" license plate. If the contribution is made directly to the director of revenue pursuant to section301.3031, the director shall note the contribution and the owner may then apply for the "Back the Blue" plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Back the Blue" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Notwithstanding any provision of law to the contrary, the department of revenue shall issue the license plate or plates, as authorized in this section, for nonapportioned vehicles of any classification for which it issues a license plate or plates. 2. The "Back the Blue" plate shall bear the emblem of a thin blue line encompassed in black as prescribed by the director of revenue and shall have the words "BACK THE BLUE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void. ---------- (L. 2019 H.B. 898, A.L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3176 - BackStoppers special license plate — application, procedure, fee — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3176. BackStoppers special license plate — application, procedure, fee — rulemaking authority. —1. Any vehicle owner may apply for "BackStoppers" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the BackStoppers general operating fund or to the BackStoppers education fund, the vehicle owner may apply for the BackStoppers plate. If the contribution is made directly to the BackStoppers general operating fund or to the BackStoppers education fund, the organization shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the BackStoppers license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the BackStoppers plate. The applicant for such plate shall pay a fifteen dollar fee in

addition to the regular registration fees and present any other documentation required by law for each set of BackStoppers plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The BackStoppers plate shall bear the emblem of a thin blue line encompassed in black as prescribed by the director of revenue and shall have the word "BACKSTOPPERS". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 2. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3179 - Negro Leagues Baseball Museum license plates — application, procedure, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3179. Negro Leagues Baseball Museum license plates — application, procedure, fee. —1. Any vehicle owner may apply for "Negro Leagues Baseball Museum" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the Negro Leagues Baseball Museum, the vehicle owner may apply for the "Negro Leagues Baseball Museum" plate. If the contribution is made directly to the Negro Leagues Baseball Museum, the organization shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "Negro Leagues Baseball Museum" license plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "Negro Leagues Baseball Museum" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "Negro Leagues Baseball Museum" plate shall bear the emblem of the Negro Leagues Baseball Museum as prescribed by the director of revenue and shall have the words "NEGRO LEAGUES BASEBALL MUSEUM". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 2. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void. ---------- (L. 2021 S.B. 189)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.3180 - Army of Occupation Medal special license plates — application, procedure, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.3180. Army of Occupation Medal special license plates — application, procedure, fee. —1. Any person who has been awarded the military service award known as the "Army of Occupation Medal" may apply for Army of Occupation Medal motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the Army of Occupation Medal license plates on a form provided by the director of revenue and shall furnish such proof as a recipient of the Army of Occupation Medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "ARMY OF OCCUPATION MEDAL" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Army of Occupation Medal. 3. There shall be a fifteen dollar fee in addition to the regular registration fees charged for each set of Army of Occupation Medal license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2024 S.B. 912)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.320 - Other plates prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.320. Other plates prohibited. —No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the director of revenue or the placard herein authorized, and the official license tag of any municipality of this state, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for", or words of similar import, as a substitute for such number plates or such placard. ---------- (RSMo 1939 § 8377, A.L. 1947 V. I p. 380, A. 1949 S.B. 1110) Prior revisions: 1929 § 7770; 1919 §§ 7564, 7565 CROSS REFERENCE: Identification plates for consular officers, 26.140

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.330 - Commercial vehicles licensed for 36,000 pounds or less, information displayed on exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.330. Commercial vehicles licensed for 36,000 pounds or less, information displayed on exception. —Each commercial motor vehicle except those licensed under the provisions of section 301.057 or 301.058 based on a gross weight of thirty-six thousand pounds or less and which are not regularly used for actual commercial purposes shall have displayed thereon in a conspicuous place: (1) The name of the owner; (2) The address from which the motor vehicle is operated; (3) Each local commercial vehicle in addition shall have displayed in a conspicuous place the word "local". ---------- (RSMo 1939 § 8369, A.L. 1943 p. 663, A.L. 1945 p. 1194; RSMo 1939 § 8377, A.L. 1947 V. I p. 380; A. 1949 S.B. 1110, A.L. 1951 p. 695, A.L. 1965 p. 473, A.L. 1975 H.B. 95, A.L. 1988 S.B. 686, A.L. 1996 S.B. 792) Prior revision: 1929 §§ 7761, 7770 (1958) Information charging failure to display the required matters in language of the statute held sufficient; question of whether pickup truck was commercial motor vehicle was for jury. State v. Lasswell (A.), 311 S.W.2d 356.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.340 - Municipal licenses — fees — carrier occupation taxes — election for increase in levy.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.340. Municipal licenses — fees — carrier occupation taxes — election for increase in levy. —1. Municipalities, by ordinance, may levy and collect license taxes from the owners of and dealers in motor vehicles, residing in such municipalities, and may require the display of license plates or stickers. Municipal license taxes, including the cost of plates, stickers and notarial fees shall not exceed the amounts in effect on September 28, 1985, or the amounts approved by the voters of the municipality on or after September 28, 1985, whichever is greater. 2. Upon approval of the voters of any city, the amount of the motor vehicle license tax imposed by such city shall be: (1) Uniform for all motor vehicles; or (2) At three different rates for passenger cars, trucks, and motorcycles; or (3) At rates which are based on the horsepower of motor vehicles other than commercial motor vehicles and the tonnage of commercial motor vehicles. 3. Other provisions of the law to the contrary notwithstanding, any motor vehicle license tax imposed by any city may, by ordinance recommended by the license collector of such city, be included as a charge on bills issued for personal property taxes and may be collected, with and in the same payment as personal property taxes, by the collector of revenue. The collector of revenue may collect delinquent receipts of such motor vehicle license taxes, and penalties thereon, in the same manner and form as provided by law for the collection of delinquent ad valorem property taxes. 4. No municipal license tax shall be collected from a resident of any municipality for motor vehicles used exclusively outside of such municipality, and that fact may be shown by an affidavit of the motor vehicle owner for the purpose of securing a state registration certificate without producing a receipt for municipal license taxes. When the owner of any motor vehicle or trailer, or chauffeur, or registered operator shall have complied with the requirements of this section, he shall not be required to pay any license tax or fee to any municipality, or to submit to any other requirement, except as authorized by this section, in any municipality of this state. 5. Municipalities may impose occupation taxes on the business of transporting passengers, freight and merchandise for hire carried on within their limits, and may measure such taxes by the number of motor vehicles engaged in such transportation. 6. At no time shall any municipality propose a percentage increase in the municipal license tax on commercial motor vehicles higher than that of other motor vehicles. 7. In lieu of the license tax prescribed pursuant to this section, the governing body of any city in which the voters of the city have approved such a license tax may submit to the qualified voters of the city a proposal to either increase the city property tax levy imposed pursuant to sections 94.010 to 94.330 or increase the city sales tax levied pursuant to sections 94.510 to 94.550 by an amount to generate approximately the same amount of revenue as the license tax prescribed by this section generates. No such proposal shall become effective unless and until the majority of the qualified voters in the city approve such proposal at a citywide election held for such purpose. Any proposal approved by the voters shall cause the property or sales tax to increase by the approved amount and shall cause the motor vehicle license tax imposed pursuant to this section to be eliminated in that city. ---------- (RSMo 1939 § 8369, A.L. 1943 p. 663, A.L. 1945 p. 1194; RSMo 1939 § 8395, A.L. 1943 p. 659; A. 1949 S.B. 1110, A.L. 1955 p. 617, A.L. 1957 p. 628, A.L. 1985 S.B. 188, A.L. 1993 S.B. 376) (1954) Ordinance making license tax collectible from an "operator or person having control of" an automobile is not

authorized by statute and is invalid insofar as it is broader than this section. City of Fredericktown v. Hunter (A.), 273 S.W.2d 732. (1961) Where evidence in prosecution for violation of city ordinance for failure to have city license did not show that defendant owned the motor vehicle, it was insufficient to sustain conviction. City of Frankford v. Davis (A.), 348 S.W.2d 553.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.344 - Municipality not to require permits of certain wreckers, exceptions when — county permits, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.344. Municipality not to require permits of certain wreckers, exceptions when — county permits, when. —No town, city, village or municipality shall require a fee, permit or license for any reason from any wrecker or tow service business registered with the United States Department of Transportation, however, any county or a city not within a county of this state shall require such a fee, permit or license of any such business physically located in such county or city not within a county or of any such business which conducts more than fifty percent of its wrecker or tow service business activities in such county or city not within a county. ---------- (L. 1993 S.B. 105 § 301.032 subsec. 7, A.L. 1996 S.B. 560)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.350 - Books and records, motor vehicles — audit by state auditor, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.350. Books and records, motor vehicles — audit by state auditor, when. —1. Upon receipt of an application for registration of a motor vehicle, trailer, manufacturer or dealer, as provided in this chapter, the director of revenue shall file such application and register such motor vehicle, trailer, manufacturer or dealer, together with the facts stated in the application, under a distinctive number assigned to such motor vehicle, trailer, manufacturer or dealer. Separate records shall be kept as follows: (1) Motor vehicles registered by owners; (2) Commercial motor vehicles; (3) Trailers; (4) Motorcycles and motor tricycles; (5) Autocycles; (6) Manufacturers and dealers. 2. The director of revenue may keep such other classifications and records as he may deem necessary and may enter contracts or agreements or otherwise make arrangements for computerized access to odometer and title information. 3. All of such books and records shall be kept open to public inspection during reasonable business hours. 4. The governor may cause the records of the department of revenue to be audited by the state auditor at any time. ---------- (RSMo 1939 § 8380, A.L. 1951 p. 693, A.L. 1987 S.B. 3, A.L. 1988 H.B. 1512, A.L. 1988 H.B. 1581, A.L. 1989 H.B. 211, A.L. 2018 S.B. 881) Prior revisions: 1929 § 7772; 1919 § 7554

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.351 - Fee for records requested for batch/bulk customers authorized.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.351. Fee for records requested for batch/bulk customers authorized. —The director of the department of revenue shall collect a maximum fee of one-half of one cent per motor vehicle or driver license record for batch/bulk customer requests that meet the criteria enumerated in the Drivers Privacy and Protection Act. ---------- (L. 2008 S.B. 711 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.360 - Record established by chapter 301 to be retained or destroyed, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.360. Record established by chapter 301 to be retained or destroyed, when. —Records established pursuant to this chapter shall be retained or destroyed in accordance with the provisions of chapter 109. ---------- (RSMo 1939 § 8368, A.L. 1945 p. 1194, A.L. 1947 V. I p. 380; L. 1945 p. 1222 § 1; A. 1949 S.B. 1110, A.L. 1987 S.B. 3) Prior revision: 1929 § 7760

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.370 - Replacement of motor — procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.370. Replacement of motor — procedure. —1. Nothing in sections 301.010 to 301.440 shall be construed to prohibit the owner of a duly registered motor vehicle from removing the motor or engine from such vehicle and replacing it with a new or reconditioned motor or engine of the same make or manufacture. 2. The owner and the person removing and replacing such motor or engine shall join in an affidavit showing the number of the motor or engine removed, the date of removal, the reason for removal, and a description of the motor or engine replaced in the vehicle. 3. If the motor to be installed is a reconditioned motor, it shall bear the same number as the motor removed but shall be preceded by the symbol "RC". If the motor installed is a new motor, it shall bear a special number to be secured as provided in section 301.380. 4. The affidavit, together with the original certificate of title, shall be sent to the director of revenue at Jefferson City, Missouri, with a fee of one dollar for registering such change of motor or engine. The director of revenue shall file the affidavit and certificate in his office and shall issue and deliver a new certificate of title to the owner. 5. The owner of a motor vehicle that is identified on the appropriate Missouri certificate of ownership by a manufacturer's number other than the engine or motor number shall be exempt from the provisions of subsections 2, 3 and 4. 6. The director of revenue may adopt and enforce the rules and regulations, compatible with this chapter, that he deems necessary to properly administer this section. ---------- (RSMo

1939 § 8397, A.L. 1945 p. 1194, A. 1949 S.B. 1110, A.L. 1961 p. 486) (1961) Fact that plaintiff in action on insurance policy to recover for loss of truck by fire had switched engines in two of his trucks, covered by same policy, without complying with provisions of this section and obtaining new title certificate, did not affect his insurable interest in the truck, though policy, issued after the transfer, described the truck by the original motor number. Melugin v. Imperial Casualty & Ind. Co. of Omaha, Neb. (A.) 344 S.W.2d 144.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.380 - Special numbers issued, when — fee — effect — trailers, special numbers issued, when — examination required — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.380. Special numbers issued, when — fee — effect — trailers, special numbers issued, when — examination required — fee. —1. Whenever the original, manufacturer's, or other distinguishing number on any motor vehicle, trailer or motor vehicle tire has been destroyed, removed, covered, altered, defaced or is otherwise nonexistent, the director of revenue, upon application, payment of a fee of seven dollars and fifty cents, and satisfactory proof of ownership by the owner, shall issue a certificate authorizing the owner to place a special number designated by the director of revenue upon the vehicle, trailer or tire. 2. In order to properly calculate the sales tax due, in the case of a trailer which is alleged to have been made by someone who is not a manufacturer using readily distinguishable manufacturers' identifying numbers or a certificate of origin, the person seeking the special number authorized by the provisions of this section shall secure a written statement from a motor vehicle inspection station that the trailer has been examined and that it is not one made by a regular manufacturer. The superintendent of the state highway patrol shall provide such forms for inspection stations, and the person, firm, or corporation seeking the examination shall pay a regular inspection fee for the examination. The proceeds of the fee shall be distributed in the same manner as regular inspection fees are distributed. This subsection shall not apply to trailers inspected under section 301.191. 3. The director of revenue shall designate the special numbers consecutively beginning with the number one preceded by the letters "DR" and followed by the letters "Mo" for each make of motor vehicle, trailer or motor vehicle tire, or if the make be unknown, the number shall also be preceded by the letter "X". 4. When such number has been placed upon the motor vehicle or motor or engine thereof, or trailer or motor vehicle tire, it shall be the lawful number of the same for the purpose of identification, registration, and all other purposes of this chapter, and the owner may sell and transfer such property under the special number. No person shall destroy, remove, cover, alter or deface any such special number. ---------- (RSMo 1939 §§ 8396, 8397, A.L. 1945 p. 1194, A. 1949 S.B. 1110, A.L. 1984 H.B. 1045, A.L. 1998 H.B. 1528) Prior revision: 1929 § 7781

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.390 - Possession and sale of vehicles and equipment with altered identification numbers prohibited, penalties — duty of officers — procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.390. Possession and sale of vehicles and equipment with altered identification numbers prohibited, penalties — duty of officers — procedure. —1. No person shall sell, or offer for sale, or shall knowingly have the custody or possession of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment on which the original manufacturer's number or other distinguishing number has been destroyed, removed, covered, altered or defaced, and no person shall sell, offer for sale, or knowingly have the custody or possession of a motor vehicle or trailer having no manufacturer's number or other original number, or distinguishing number. Every motor vehicle and trailer shall have an original manufacturer's number or other distinguishing number assigned by the manufacturer. 2. Every peace officer who has probable cause to believe and has knowledge of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, the number of which has been removed, covered, altered, destroyed or defaced, and for which no special number has been issued, shall be authorized to immediately seize and take possession of such motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, and may arrest the supposed owner or custodian thereof and cause prosecution to be begun in a court of competent jurisdiction. 3. The law enforcement authority having seized it shall retain custody of the motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment pending the prosecution of the person arrested. If the person arrested should be found guilty, such motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment shall be transferred to the custody of the court until the fine and costs of prosecution are paid. No property shall be released from the custody of the court until a special number shall have been issued by the director of revenue on an application of the supposed owner, approved by the court. 4. In case such fine and costs not be paid within thirty days from the date of judgment, the court shall advertise and sell such motor vehicle, boat, outboard motor, vehicle part, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment in the manner provided by law for the sale of personal property under execution. The advertisement shall contain a description of the motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment and a copy thereof shall be mailed to the director of revenue. The proceeds of such sale shall be applied, first, to the payment of the fine and costs of the prosecution and sale, and any sum remaining shall be paid by the court to the owner, and the motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment shall not be delivered to the purchaser thereof until he shall first have secured a

special number from the director of revenue, on the application of the purchaser, approved by the court. 5. If at any time while such motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment remains in the custody of the court or law enforcement authority having seized it, the true owner thereof shall appear and prove to the satisfaction of the court or law enforcement authority proper ownership of and entitlement to said item, it shall be returned to the owner after he or she has obtained from the director of revenue a special number, on application made by the owner. 6. Violation of any provision of this section is a class E felony. ---------- (RSMo 1939 § 8396, A. 1949 S.B. 1110, A.L. 1953 p. 567, A.L. 1982 H.B. 1454, et al., A.L. 1986 H.B. 1190 merged with H.B. 1153, A.L. 2004 S.B. 824, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.400 - Removal or defacing manufacturer's numbers — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.400. Removal or defacing manufacturer's numbers — penalty. —Any person who removes, covers, alters or defaces, or causes to be destroyed, removed, covered, altered or defaced, the manufacturer's number, the motor number or other distinguishing number on any motor vehicle, or number or other distinguishing number on any motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, the property of another, for any reason, shall be deemed guilty of a class D felony. ---------- (RSMo 1939 §§ 8396, 8404, A. 1949 S.B. 1110, A.L. 1982 H.B. 1454, et al., A.L. 2014 S.B. 491) Prior revisions: 1929 §§ 7781, 7786; 1919 §§ 7608, 7609 Effective 1-01-17 (1967) The number on the transmission is a distinguishing manufacturer's number within the meaning of this section. State v. Friedman (Mo.), 412 S.W.2d 171.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.4000 - Military service special license plates for motorcycles, application, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.4000. Military service special license plates for motorcycles, application, fees. —Any person who served in the active military service in a branch of the Armed Forces of the United States and was honorably discharged from such service may apply for special motorcycle license plates, either solely or jointly, for issuance for any motorcycle subject to the registration fees provided in section 301.055. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and payment of a fifteen dollar fee in addition to the regulation registration fees, and presentation of other documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "U.S. VET" in place of the words "SHOW-ME STATE". The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motorcycle may operate the motorcycle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2002 H.B. 1205, et al. merged with S.B. 644, A.L. 2003 H.B. 187, A.L. 2006 H.B. 1382 & 1158)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.401 - Special mobile equipment and tires, defacing serial number prohibited — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.401. Special mobile equipment and tires, defacing serial number prohibited — penalty. —1. Any person who removes, covers, alters, or defaces, or causes to be destroyed, removed, covered, altered, or defaced, the manufacturer's serial number, the motor number or other distinguishing number on special mobile equipment or special mobile equipment tires, the property of another, for any reason, shall be deemed guilty of a class E felony. Further, any person who knowingly buys, sells, receives, disposes of, conceals or has in his possession special mobile equipment or special mobile equipment tires from which the manufacturer's serial number, motor number or other distinguishing number has been removed, covered, altered, defaced or destroyed shall be deemed guilty of a class E felony. 2. Every peace officer who has probable cause to believe that and has knowledge of an item of special mobile equipment on which the original manufacturer's distinguishing number has been removed, covered, altered, or defaced shall be authorized to seize immediately and to take possession of said item of special mobile equipment. 3. If at any time while such special mobile equipment remains in the custody of the law enforcement authority having seized it, the true owner thereof shall appear and prove to the satisfaction of such law enforcement authority his ownership of and entitlement to said item of special mobile equipment, it shall be returned to said owner subject to its being made available for use in any criminal prosecution under this section. 4. If, after twelve months, no person has appeared and proved he is the true owner of an item of special mobile equipment seized under this section, the court in which such prosecution was begun may advertise and sell said item of special mobile equipment under such terms as are reasonable. The proceeds of such sale shall be applied, first, to the payment of any expenses incurred in association with such sale; second, to the payment of the fine and costs of prosecution; and the balance, if any, shall be paid over to the county commission of the county in which the prosecution was begun for its application to that county's general revenues. ---------- (L. 1980 H.B. 995 & 1051, A.L. 2014 S.B. 491) Effective 1-01-17

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.420 - Applications — false statements prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.420. Applications — false statements prohibited. —No person shall willfully or knowingly make a false statement in any application for the registration of a motor vehicle or trailer, or as a dealer, or in an application for or assignment of a certificate of ownership. All blanks or forms issued by the director of revenue for the purpose of making application for registration of certificate of ownership shall conspicuously bear on the face thereof the following words: "Any false statement in this application is a violation of the law and may be punished by fine or imprisonment or both". Violation of this section shall be a class C misdemeanor. ---------- (RSMo 1939 § 8401, A. 1949 S.B. 1110, A.L. 1987 S.B. 3, A.L. 2009 H.B. 683) Prior revisions: 1929 § 7783; 1919 § 7600

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.440 - Penalty for violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.440. Penalty for violations. —Any person who violates any provision of sections 301.010 to 301.440 for which no specific punishment is provided shall upon a plea or*finding of guilt thereof be guilty of an infraction punishable by a fine of not less than five dollars or more than five hundred dollars. ---------- (RSMo 1939 § 8404, A. 1949 S.B. 1110, A.L. 1969 H.B. 670, A.L. 2009 H.B. 683) Prior revisions: 1929 § 7786; 1919 § 7601 *Word "of" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.441 - Retired members of the United States military special license plates — application — proof required — license, how marked.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.441. Retired members of the United States military special license plates — application — proof required — license, how marked. —Any person who is a retired member of the United States Army, Navy, Air Force, Marine Corps or Coast Guard may apply for retired military motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for a vehicle owned solely or jointly by such person. No additional fee shall be charged for license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof of retired status from that particular branch of the United States Armed Forces as the director may require. The plates shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129*. Such plates shall bear the insignia of the respective branch the applicant served in. The director shall then issue license plates bearing the words "RETIRED MILITARY" in preference to the words "SHOW-ME STATE" in a form prescribed by the advisory committee established in section 301.129*. Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain as long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1994 H.B. 1308 § 2, A.L. 1995 S.B. 70, A.L. 1999 S.B. 115, A.L. 2001 S.B. 13, A.L. 2002 H.B. 1205, et al., A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.442 - Transfer of commercial vehicle registration plates authorized in business ownership sale or transfer.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.442. Transfer of commercial vehicle registration plates authorized in business ownership sale or transfer. —Whenever a business is sold by the owner thereof and as part of the sale the ownership of one or more commercial motor vehicles is transferred, or whenever an individual or partnership transfers ownership of a business and commercial motor vehicles owned by him or them to a corporation substantially owned by him or them in a nontaxable transfer under the provisions of the United States Internal Revenue Code, the original owner of any such vehicles may transfer the registration plates issued for such vehicles to the new owner who, upon notification to the director of revenue of the sale or transfer of ownership of the business and transfer of the registration plates, may use those registration plates for the remainder of the current registration period as if he, they, or it had originally purchased the plates. The director may prescribe the necessary forms for use in making the notification and may require that the notification be made under oath. ---------- (L. 1981 S.B. 138 § 1)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.443 - Prisoners of war entitled to free registration and special plates — prisoner of war defined — eligibility — plate design.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.443. Prisoners of war entitled to free registration and special plates — prisoner of war defined — eligibility — plate design. —1. Any legal resident of the state of Missouri who is a veteran of service in the Armed Forces of the United States and has been honorably discharged from such service and who is a former prisoner of war and any legal resident of the state of Missouri who is a former prisoner of war and who was a United States citizen not in the Armed Forces of the United States during such time is, upon filing an application for registration together with such information and proof in the form of a statement from the United States Veterans Administration or the Department of Defense or any other form of proof as the director may require, entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 for a motor vehicle other than a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. There shall be no fee charged for license plates issued under the provisions of this section. 2. Not more than one certificate of registration and one corresponding set of motor vehicle license plates or other evidence of registration as provided in section 301.130 shall be issued each year to a qualified former prisoner of war under this section. 3. Proof of ownership and vehicle inspection of the particular motor vehicle for which a registration certificate and set of license plates is requested must be shown at the time of application. Proof of status as a former prisoner of war as required in subsection 1 of this section shall only be required on the initial application. 4. As used in this section,"former prisoner of war"means any person who was taken as an enemy prisoner during World War I, World War II, the Korean Conflict, or the Vietnam Conflict. 5. The director shall furnish each former prisoner of war obtaining a set of license plates under the provisions of subsections 1 to 4 of this section special plates which shall have the words "FORMER P.O.W." on the license plates in preference to the words "SHOW-ME STATE" as provided in section 301.130 in a form prescribed by the advisory committee established in section 301.129*. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129*, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 6. Registration certificates and license plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified former prisoner of war. 7. (1) Notwithstanding the provisions of subsection 6 of this section to the contrary, the surviving spouse of a former prisoner of war who has not remarried and who has been issued license plates described in subsection 5 of this section shall be entitled to transfer such license plates to the motor vehicle of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the transfer of such license plates. (2) The department of revenue shall promulgate rules for the obtaining of a set of license plates described in subsection 5 of this section by the surviving spouse of the former prisoner of war when such license plates are not issued prior to the death of the former prisoner of war. The surviving spouse shall be entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 as if a former prisoner of war until remarriage. There shall be no fee charged for the license plates issued pursuant to this subdivision. ---------- (L. 1983 S.B. 320 §§ 1, 2, A.L. 1989 S.B. 209, A.L. 1995 S.B. 70, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.444 - Firefighters, special licenses for certain vehicles — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.444. Firefighters, special licenses for certain vehicles — fee. —1. Owners or a joint owner of motor vehicles who are residents of the state of Missouri, and who are directors of a fire protection district or who are compensated, partially compensated, or volunteer members of any fire department, fire protection district, or voluntary fire protection association in this state, upon application accompanied by affidavit as prescribed in this section, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of a fee as prescribed in this section, shall be issued a set of license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The license plates shall be inscribed with a variation of the Maltese cross that signifies the universally recognized symbol for firefighters. In addition, upon such set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the word "FIREFIGHTER". Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 2. Applications for license plates issued under this section shall be made to the director of revenue and shall be accompanied by an affidavit stating that the applicant is a person described in subsection 1 of this section. Any person who is lawfully in possession of such plates who resigns, is removed, or otherwise terminates or is terminated from his association with such fire department, fire protection district, or voluntary fire protection association shall return such special plates to the director within fifteen days. 3. An additional annual fee equal to that charged for personalized license plates in section 301.144 shall be paid to the director of revenue for the issuance of the license plates provided for in this section. ---------- (L. 1984 H.B. 1045 § 2, A.L. 1986 H.B. 1067 & 1299, A.L. 1995 S.B. 70, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82,

A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.445 - Combat infantryman special license plates — application — license how marked — proof required — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.445. Combat infantryman special license plates — application — license how marked — proof required — fee. —Any person who has been awarded the combat infantry badge may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twenty-four thousand pounds as provided in section 301.057. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat infantry badge as the director may require. The director shall then issue license plates bearing the words "COMBAT INFANTRYMAN" in place of the words "SHOW-ME STATE" in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the combat infantry badge. There shall be an additional fee charged for each set of special combat infantry badge license plates issued equal to the fee charged for personalized license plates in section 301.144. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1994 H.B. 1308 § 1, A.L. 1995 S.B. 70, A.L. 1999 H.B. 290, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.447 - Pearl Harbor survivor license plates — how marked — application — proof required — transferable when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.447. Pearl Harbor survivor license plates — how marked — application — proof required — transferable when. —1. Any member of the United States Military Service who was stationed on or within three miles of the Hawaiian Island of Oahu on December 7, 1941, during the enemy attack on Pearl Harbor and other related military installations may apply for special motor vehicle license plates for one vehicle he owns, either solely or jointly, as provided in this section. Any such person shall make application for the special license plates on a form provided by the director of revenue and pay an additional fee equal to the fee charged for personalized license plates in section 301.144 for the issuance of the license plates provided for herein. Applications for license plates issued under this section shall be accompanied by such proof of eligibility as the director may require. 2. Notwithstanding the provisions of section 301.130, each such license plate shall be embossed with the words "PEARL HARBOR SURVIVOR" at the bottom of the plate in the form prescribed by the advisory committee established in section 301.129*. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129*, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall be available for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal property-carrying commercial motor vehicles licensed for a gross weight of six thousand pounds up through and including twenty-four thousand pounds as provided in section 301.057. 3. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for a vehicle owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except as provided herein. Any registered co-owner of a motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified applicant. Pearl Harbor survivor plates issued under the provisions of this section shall be transferable only to a widow or widower of a Pearl Harbor survivor. ---------- (L. 1988 H.B. 1127 § 1, A.L. 1993 S.B. 329, A.L. 1995 S.B. 70, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.448 - Military, military reserve and National Guard plates for certain vehicles — application, requirements — design, how made.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.448. Military, military reserve and National Guard plates for certain vehicles — application, requirements — design, how made. —Any person who has served and was honorably discharged or currently serves in any branch of the United States Armed Forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve or the Missouri National Guard, or any subdivision of any of such services or a member of the United States Marine Corps League may apply for special motor vehicle license plates, either solely or jointly, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal

property-carrying commercial motor vehicles licensed for a gross weight of six thousand pounds up through and including twenty-four thousand pounds as provided in section 301.057. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof that such person is a member or former member of any such branch of service as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department shall issue personalized license plates which shall bear the seal, logo or emblem, along with a word or words designating the branch or subdivision of such service for which the person applies. All seals, logos, emblems or special symbols shall become an integral part of the license plate; however, no plate shall contain more than one seal, logo, emblem or special symbol and the design of such plates shall be approved by the advisory committee established in section 301.129*and by the branch or subdivision of such service or the Marine Corps League prior to issuing such plates. The plates shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129*. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. All license plates issued under this provision must be renewed in accordance with law. License plates issued under the provisions of this section shall not be transferable to any other person, except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed, in the event of the death of the qualified applicant. ---------- (L. 1988 H.B. 1127 § 2, A.L. 1993 S.B. 329, A.L. 1995 S.B. 70, A.L. 2002 H.B. 1205, et al., A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.449 - Colleges and universities emblems on licenses, procedure to use — contribution to institution — fee for special license plate.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.449. Colleges and universities emblems on licenses, procedure to use — contribution to institution — fee for special license plate. —1. Only a community college or four-year public or private institution of higher education, or a foundation or organization representing the college or institution, located in the state of Missouri may itself authorize or may by the director of revenue be authorized to use the school's official emblem to be affixed on multiyear personalized license plates as provided in this section. 2. Any contribution to such institution derived from this section, except reasonable administrative costs, shall be used for scholarship endowment or other academically related purposes. Any vehicle owner may annually apply to the institution for the use of the emblem. Upon annual application and payment of an emblem-use contribution to the institution, which shall be set by the governing body of the institution at an amount of at least twenty-five dollars, the institution shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the institution, to the vehicle owner. 3. The license plate authorized by this section shall use the school colors of the institution, and those colors shall be constructed upon the license plate using a process to ensure that the school emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The license plate authorized by this section shall be issued with a design approved by both the institution of higher education and the advisory committee established in section 301.129*. 4. A vehicle owner, who was previously issued a plate with an institutional emblem authorized by this section and does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the institutional emblem, as otherwise provided by law. 5. Notwithstanding the provisions of subsection 1 of this section or subsection 1 of section 301.3150, any community college or four-year public or private institution of higher education, or any foundation or organization representing the college or institution, located outside of the state of Missouri, which has authorized the use of its official emblem to be affixed on multiyear personalized license plates and has had its application for a specialty license plate approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012, may continue to authorize the use of its official emblem on such plates. Nothing in subsection 1 of this section shall be construed to prohibit the manufacture or renewal of multiyear personalized license plates bearing out-of-state university, college, or institution of private learning official emblems if such license plates were approved by the joint committee on transportation oversight under section 301.3150 prior to August 28, 2012. 6. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms including establishing a minimum number of license plates which can be issued with the authorized emblem of a participating institution. ---------- (L. 1989 S.B. 209 § 1, A.L. 1995 S.B. 70, A.L. 2012 S.B. 480 merged with S.B. 563, A.L. 2013 H.B. 103) Effective 7-10-13 *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.451 - Purple Heart medal, special license plates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.451. Purple Heart medal, special license

plates. —(1) Any person who has been awarded the purple heart medal may apply for special motor vehicle license plates for any vehicle he or she owns, either solely or jointly, other than commercial vehicles weighing over twenty-four thousand pounds. (2) Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the purple heart medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in a form prescribed by the advisory committee established in section 301.129*. (3) Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. (4) There shall be no fee charged for the first set of license plates issued to an eligible person under this section. A second or subsequent set of license plates issued to the eligible person under this section shall be subject to regular registration fees but not to any fee in addition to regular registration fees. (5) There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. (6) License plates issued under the provisions of this section shall not be transferable to any other person, except that, in the event of the death of the qualified person, any registered co-owner of the motor vehicle shall be entitled to use and renew the license plates until he or she remarries or, if he or she does not remarry, for the remainder of his or her life. ---------- (L. 1991 S.B. 47 § 1, A.L. 1993 S.B. 329, A.L. 1995 S.B. 70, A.L. 1997 S.B. 69, A.L. 2006 H.B. 1382 & 1158, A.L. 2009 H.B. 427, A.L. 2015 H.B. 403, A.L. 2016 H.B. 2380, A.L. 2020 S.B. 656) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.452 - Rental price adjustment of motor vehicle or trailer based on amount of sale of vehicle does not create sale or security interest.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.452. Rental price adjustment of motor vehicle or trailer based on amount of sale of vehicle does not create sale or security interest. —In the case of motor vehicles or trailers as those terms are defined in section 301.010, notwithstanding any other law to the contrary, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer. ---------- (L. 1991 S.B. 413 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.453 - General assembly member, special license plates, application, form, fee — member of Congress, special license plates, application, form, fee — statewide elected official, special plates, application, form, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.453. General assembly member, special license plates, application, form, fee — member of Congress, special license plates, application, form, fee — statewide elected official, special plates, application, form, fee. —1. Any member of the general assembly of the state of Missouri while holding office, upon application and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, may apply for special personalized license plates bearing the state seal in gold and black colors along with the words "Representative" or "Senator" in preference to the words "SHOW-ME STATE". The director of revenue shall annually set aside special personalized license plates bearing the letters and numbers S-1 to S-34 and S01 to S034, R-1 to R-163 and R01 to R0163 to be issued to a member of the general assembly of the state of Missouri while such member is holding that office, upon such member's written request. For the first set of special personalized license plates issued to a member of the general assembly, such plates shall bear the letter "S" and the number of the senator's district for a member of the state senate or the letter "R" and the number of the representative's district for a member of the house of representatives and for the second set of plates issued to a member of the general assembly, such plates shall bear the letter "S" and the number of the senator's district preceded by the numeral "0" for a member of the state senate or the letter "R" and the number of the representative's district preceded by the numeral "0" for a member of the house of representatives. Only two sets of such plates may be issued to any one member of the general assembly. 2. Any member of the United States Congress while he or she is holding that office, upon his or her written request and upon a payment of the additional fee required for personalized plates in section 301.144, may apply for special personalized license plates bearing the state seal in gold and black along with the words "Member of Congress" instead of the words "SHOW-ME STATE" and either the letters and numbers "USS-1, USS-01" and "USS-2, USS-02" for the senior and junior United States Senators from Missouri, respectively, or, in the case of members of the United States House of Representatives, bearing the letters "USC-1 to USC-9 and USC-01 to USC-09". Only two sets of such plates may be issued to any one individual congressman. 3. The director shall annually set aside special personalized license plates bearing the state seal in gold and black and the numbers 1, 2, 3, 4, 5, and 6 along with the words "Governor", "Lieutenant Governor", "Secretary of State", "State Auditor", "State Treasurer" and "Attorney General" in preference to the words "SHOW-ME STATE" to be issued to the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general, respectively, upon written request and upon payment of the fee required for personalized license plates in section 301.144, and other fees and documents as may be required by law. These plates shall be held by the appropriate public official only while such person remains in that office. Upon leaving that office the public official shall surrender the personalized license plates to the director, who shall make them available as provided in this subsection to the

succeeding public official. 4. All special license plates issued under this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. ---------- (L. 1993 S.B. 329 § 1, A.L. 1995 S.B. 70, A.L. 2002 S.B. 798)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.454 - Helping schools emblem — procedure to use — contribution to school or nonprofit organization — fee for special license plate.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.454. Helping schools emblem — procedure to use — contribution to school or nonprofit organization — fee for special license plate. —Any school or nonprofit organization connected with and designated by a school located in this state may authorize the use of the "helping schools" official emblem described in this section to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply to a participating school or designated nonprofit organization for the use of the emblem. Upon annual application and payment of a fifteen-dollar emblem-use contribution to any participating school or designated nonprofit organization, such school or nonprofit organization shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the "helping schools" emblem described in this section, to the vehicle owner. Each such license plate shall be embossed with the words "HELPING SCHOOLS" at the bottom of the plate. The license plate authorized by this section shall be made with fully reflective material with a common color scheme and design approved by both the department of elementary and secondary education and the advisory committee established in section 301.129; however, it shall include an emblem depicting books or other scholastic equipment or materials, as determined appropriate by the department of elementary and secondary education. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. A vehicle owner, who was previously issued a plate with the emblem authorized by this section who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the prescribed emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section and shall design all necessary forms. Any contribution to a school or designated nonprofit organization derived from this section may be used for any academically related purpose deemed appropriate by the school or nonprofit organization. ---------- (L. 1995 S.B. 70 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.455 - Log trucks to be noted on registration receipts.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.455. Log trucks to be noted on registration receipts. —The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be necessary, shall record on the registration receipt a notation that the vehicle is a log truck as defined in section 301.010. ---------- (L. 1985 S.B. 209 § 1) Effective 6-26-85

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.456 - Silver star, special license plate — application procedure — design — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.456. Silver star, special license plate — application procedure — design — fee. —Any person who has been awarded the military service award known as the "Silver Star" may apply for special motor vehicle license plates for any vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the silver star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "SILVER STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the silver star. There shall be an additional fee charged for each set of silver star license plates issued pursuant to this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1995 S.B. 70 § 2, A.L. 2003 H.B. 75, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.457 - Vietnam veterans, special license plates — application procedure — fees, restrictions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.457. Vietnam veterans, special license plates — application procedure — fees, restrictions. —Any person who served in the Vietnam Conflict and either currently serves in any branch of the United States Armed Forces or was honorably discharged from such service may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in the Vietnam Conflict and status as currently serving in a branch of the Armed Forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "VIETNAM VETERAN" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the Vietnam service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1995 S.B. 70 § 3, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.458 - Grand Lodge, Masons, special license plates — emblem authorization — application procedure, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.458. Grand Lodge, Masons, special license plates — emblem authorization — application procedure, fees. —1. Any member of a lodge under the jurisdiction of the Grand Lodge Ancient, Free and Accepted Masons, which shall include the Prince Hall Masons, of the state of Missouri may receive special license plates as prescribed in this section after an annual payment of an emblem use authorization fee to the Grand Lodge Ancient, Free and Accepted Masons of the state of Missouri. The grand lodge described in this section hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to such grand lodge derived from this section, except reasonable administrative costs, shall be used solely for one or more of the grand lodge's charitable programs. Any member of a lodge under the jurisdiction of the grand lodge may annually apply to the grand lodge for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the grand lodge, the grand lodge shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the grand lodge, to the vehicle owner. 3. The license plate authorized by this section shall be in a form prescribed by the advisory committee established in section 301.129*, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. 4. A vehicle owner, who was previously issued a plate with the grand lodge emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the grand lodge emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 1995 S.B. 70 § 4) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.459 - Knights of Columbus, special license plates — emblem authorization — application procedure, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.459. Knights of Columbus, special license plates — emblem authorization — application procedure, fees. —1. Any member of the Knights of Columbus of the state of Missouri may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Knights of Columbus. The Knights of Columbus hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Knights of Columbus derived from this section, except reasonable administrative costs, shall be used solely for the educational programs or purposes of the Knights of Columbus. Any member of the Knights of Columbus may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Knights of Columbus, the Knights of Columbus shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Knights of Columbus in a form prescribed by

the advisory committee established in section 301.129*to the vehicle owner. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Knights of Columbus emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Knights of Columbus emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 1995 S.B. 70 § 5) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.461 - Fraternal Order of the Eagles, special license plates — emblem authorization — application procedure, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.461. Fraternal Order of the Eagles, special license plates — emblem authorization — application procedure, fees. —1. Any member of the Fraternal Order of Eagles of the state of Missouri may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Fraternal Order of Eagles. The Fraternal Order of Eagles hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Fraternal Order of Eagles derived from this section, except reasonable administrative costs, shall be used solely for the educational programs or purposes of the Fraternal Order of Eagles. Any member of the Fraternal Order of Eagles may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Fraternal Order of Eagles, the Fraternal Order of Eagles shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Fraternal Order of Eagles in a form prescribed by the advisory committee established in section 301.129*to the vehicle owner. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Fraternal Order of Eagles emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Fraternal Order of Eagles**emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 1995 S.B. 70 § 6) *Section 301.129 was repealed by H.B. 1298 Revision, 2014. **Words "Knights of Columbus" appear in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.462 - Eastern Star, special license plates — emblem authorization — application procedure, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.462. Eastern Star, special license plates — emblem authorization — application procedure, fees. —1. Any member of a lodge under the jurisdiction of the Grand Chapter of Missouri Order of the Eastern Star may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Grand Chapter of Missouri Order of the Eastern Star. The grand chapter described in this section hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to such grand chapter derived from this section, except reasonable administrative costs, shall be used solely for one or more of the grand chapter's charitable programs. Any member of a lodge under the jurisdiction of the grand chapter may annually apply to the grand chapter for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the grand chapter, the grand chapter shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the grand chapter, to the vehicle owner. 3. The license plate authorized by this section shall be in a form prescribed by the advisory committee established in section 301.129*, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. 4. A vehicle owner, who was previously issued a plate with the grand chapter emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the grand chapter emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. ---------- (L. 1995 S.B. 70 § 7) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.463 - Children's trust fund logo plates — annual fee for authority to use — design — deposit of fee in trust fund — sample plate display.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.463. Children's trust fund logo plates — annual fee for authority to use — design — deposit of fee in trust fund — sample plate display. —1. The children's trust fund board established in section 210.170 may authorize the use of their logo to be incorporated on motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The license plate shall contain an emblem designed by the board depicting two handprints of a child and the words "CHILDREN'S TRUST FUND" and the children's trust fund logo in preference to the words "SHOW-ME STATE". The license plates shall have a common background and shall bear as many letters and numbers as will fit on the plate without damaging the plate's aesthetic appearance as determined by the director of revenue. Any vehicle owner may annually apply to the board or director for the use of the logo. Upon annual application and payment of a twenty-five dollar logo use contribution to the board, the board shall issue to the vehicle owner, without further charge, a logo-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration. Application for use of the logo and payment of the twenty-five dollar contribution may also be made at the time of registration to the director, who shall deposit such contribution in the state treasury to the credit of the children's trust fund. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the department of revenue shall issue a license plate described in this section to the vehicle owner. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. The license plate authorized by this section shall be issued with a design approved by both the board and the director of revenue. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. A vehicle owner, who was previously issued a plate with a logo authorized by this section and who does not provide a logo-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the logo, as otherwise provided by law. Any contribution to the board derived from this section shall be deposited in the state treasury to the credit of the children's trust fund established in section 210.173. 2. The director of revenue shall issue samples of license plates authorized pursuant to this section to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director or by the children's trust fund board describing the purposes of the children's trust fund. The general assembly may appropriate moneys annually from the children's trust fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to this subsection. ---------- (L. 1995 H.B. 617 § 1, A.L. 1997 H.B. 124, A.L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.464 - Korean War veteran, special license plates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.464. Korean War veteran, special license plates. —Any person who served in the Korean War and was honorably discharged from such service may apply for special motor vehicle license plates, either solely or jointly, for issuance for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in the Korean War and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "KOREAN WAR VETERAN" in place of the words "SHOW-ME STATE". Such plates shall also bear an image of the Korean War service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1997 S.B. 69 § 1, A.L. 2001 S.B. 142, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.465 - World War II veteran, special license plates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.465. World War II veteran, special license plates. —Any person who served in World War II and was honorably discharged from such service may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a

commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of service in World War II and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other fees and documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "WORLD WAR II VETERAN" in place of the words "SHOW-ME-STATE". Such plates shall also bear an image of the World War II service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1997 S.B. 69 § 2, A.L. 2006 H.B. 1382 & 1158, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.466 - Jaycees, special license plate — application, procedure, design, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.466. Jaycees, special license plate — application, procedure, design, fee. —1. Any person who is an active member or alumni member of any Missouri chapter of the junior chamber of commerce may apply for special motor vehicle license plates for any motor vehicle he owns, either solely or jointly, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a nonlocal property-carrying commercial motor vehicle licensed for a gross weight of nine thousand one pounds up through and including twenty-four thousand pounds as provided in section 301.057. 2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof of membership in the junior chamber of commerce as the director may require. The director shall then issue license plates bearing the words "MISSOURI JAYCEES" in place of the words "SHOW-ME STATE" in a form prescribed by the advisory committee established in section 301.129*. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear the shield of the Missouri junior chamber of commerce to the left of the letters or numbers or combination thereof. 3. There shall be a fee charged for each set of Missouri junior chamber of commerce license plates issued equal to the fee charged for personalized license plates in addition to other fees required by law. No more than one set of Missouri junior chamber of commerce license plates shall be issued to a qualified applicant. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1997 S.B. 59 § 301.465, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.467 - Emergency medical services, special license plates — emblem authorization — application procedure, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.467. Emergency medical services, special license plates — emblem authorization — application procedure, fees. —1. Any paramedic or emergency medical technician may, after an annual payment of an emblem-use authorization fee to the Missouri Emergency Medical Services Association as provided in subsection 2 of this section, apply for emergency medical services license plates for any motor vehicle such person owns, either solely or jointly, for issuance either for a passenger motor vehicle subject to the registration fees as provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twenty-four thousand pounds as provided in section 301.057 or 301.058. The Missouri Emergency Medical Services Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. 2. Upon annual application and payment of a fifteen dollar emblem-use contribution to the Missouri Emergency Medical Services Association, the Missouri Emergency Medical Services Association shall issue to the person, without further charge, an emblem-use authorization statement which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Missouri Emergency Medical Services Association and the words "PARAMEDIC" or the words "EMERGENCY MEDICAL TECHNICIAN" in place of the words "SHOW-ME STATE" to the person. The emblem, seal or logo shall be reproduced on the license plate in as a clear and defined manner as possible. If the emblem, seal or logo is unacceptable to the Missouri Emergency Medical Services Association, it shall be the Missouri Emergency Medical Services Association's responsibility to furnish the artwork in a digitalized format. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. The director shall issue no more than one set of such license plates to a qualified applicant. License plates issued pursuant to the provisions of this section shall not be transferable to any other person, except that any registered co-owner of the

motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 1999 S.B. 19 § 13, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.468 - Lions Club, special license plates — emblem authorization — application procedure, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.468. Lions Club, special license plates — emblem authorization — application procedure, fees. —1. Any vehicle owner who has obtained an annual emblem-use authorization statement from the Lions Club may, subject to the registration fees provided in section 301.055, apply for Lions Club license plates for any motor vehicle such person owns, other than a commercial motor vehicle licensed for a gross weight in excess of twenty-four thousand pounds. The Lions Club hereby authorizes the use of its official emblem to be affixed on multiyear license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Lions Club, the Lions Club shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. 3. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a license plate to the vehicle owner, which shall bear the emblem of the Lions Club in a form prescribed by the director, shall bear six letters or numbers and shall bear the words "LIONS CLUB" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section. 4. A vehicle owner, who was previously issued a plate with the Lions Club emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Lions Club emblem, as otherwise provided by law. 5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 1999 S.B. 19 § 8, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.469 - Missouri conservation heritage foundation, special license plate — application, procedure, design, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.469. Missouri conservation heritage foundation, special license plate — application, procedure, design, fee. —1. Any vehicle owner may receive license plates as prescribed in this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri conservation heritage foundation. The foundation hereby authorizes the use of its official emblems to be affixed on multiyear license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblems. 2. Upon annual application and payment of a twenty-five dollar emblem-use authorization fee to the Missouri conservation heritage foundation, the foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the director of the department of revenue at the time of registration of a motor vehicle. 3. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and documents which may be required by law, the director of the department of revenue shall issue a license plate, which shall bear an emblem of the Missouri conservation heritage foundation in a form prescribed by the director, to the vehicle owner. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section. 4. A vehicle owner, who was previously issued a plate with a Missouri conservation heritage foundation emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the foundation emblem, as otherwise provided by law. 5. The director of the department of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void. ---------- (L. 1999 S.B. 352 § 301.466, A.L. 2002 H.B. 1093, et al., A.L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 2380)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.471 - Ducks Unlimited, special license plates — emblem authorization — application procedure, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.471. Ducks Unlimited, special license plates — emblem authorization — application procedure, fees. —1. Any person may receive license plates as prescribed in this section, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twenty-four thousand pounds as provided in section 301.057 or 301.058, after an annual payment of an emblem-use authorization fee to Ducks Unlimited. Ducks Unlimited hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to Ducks Unlimited derived from this section, except reasonable administrative costs, shall be used solely for the purposes of Ducks Unlimited. Any member of Ducks Unlimited may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Ducks Unlimited, Ducks Unlimited shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of Ducks Unlimited. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. 3. A vehicle owner, who was previously issued a plate with the Ducks Unlimited emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Ducks Unlimited emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 1999 S.B. 19 § 11, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.472 - Professional sports team special license plates, emblem — teams to make agreement for use of emblem with department of revenue — procedure to use, application, form, fee — sports team to forward contributions, where, amount — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.472. Professional sports team special license plates, emblem — teams to make agreement for use of emblem with department of revenue — procedure to use, application, form, fee — sports team to forward contributions, where, amount — rulemaking authority. —1. Any motor vehicle owner may receive special license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight as prescribed in this section after an annual payment of an emblem-use authorization fee to a professional sports team which has made an agreement pursuant to subsection 5 of this section. For the purposes of this section a"professional sports team"shall mean an organization located in this state franchised by the National Professional Soccer League, the National Football League, the National Basketball Association, the National Hockey League, the International Hockey League, or the American League or the National League of Major League Baseball or a team playing in Major League Soccer. 2. The professional sports team which has made an agreement pursuant to subsection 5 of this section and which receives the emblem-use authorization fee hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem. The director of revenue shall not authorize the manufacturer of the material to produce such license plates with the individual seal, logo, or emblem until the department of revenue receives a minimum of one hundred applications for each specific professional sports team. 3. Upon annual application and payment of a thirty-five dollar emblem-use contribution to the professional sports team such team shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the director of the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of other documents which may be required by law, the director shall issue a personalized license plate, which shall bear the official emblem of the professional sports team in a manner determined by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section. 4. A vehicle owner, who was previously issued a plate with a professional sports team emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the professional sports team emblem, as otherwise provided by law. 5. The director of the department of revenue is authorized to make agreements with professional sports teams on behalf of the state which allow the use of any such team's official emblem pursuant to the provisions of this section as consideration for receiving a thirty-five dollar emblem-use contribution. 6. Except as provided in subsection 7 of this section, a professional sports team receiving

a thirty-five dollar contribution shall forward such contribution, less an amount not in excess of five percent of the contribution for the costs of administration, to the Jackson County Sports Authority or the St. Louis Regional Convention and Visitors Commission. The moneys shall be administered as follows: (1) The sports authority may retain not in excess of five percent of all funds forwarded to it pursuant to this section for the costs of administration and shall expend the remaining balance of such funds, after consultation with a professional sports team within the authority's area, on marketing and promoting such team. The amount of money expended from the funds obtained pursuant to this section by the authority per professional sports team shall be in the same proportion to the total funds available to be expended on such team as the proportion of contributions forwarded by the team to the authority is to the total contributions received by the authority; (2) The regional convention and visitors commission shall hold the revenues received from the professional sports teams in the St. Louis area in separate accounts for each team. Each team may submit an annual marketing plan to the commission. Expenses of a team which are in accordance with the marketing plan shall be reimbursed by the commission as long as moneys are available in the account. The commission may retain not in excess of five percent for the costs of administration. If no marketing plan is submitted by a team, the commission shall market and promote the team. 7. The Kansas City Chiefs shall forward all emblem-use fees received, less an amount not in excess of five percent of the costs of administration, to the Chiefs' Children's Fund, a not-for-profit fund established to benefit children in need in the Kansas City area. 8. The director of the department of revenue shall promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 1999 S.B. 19 § 9 merged with S.B. 115 § 1, A.L. 2004 H.B. 1508, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.473 - Missouri Junior Golf Foundation — Building the Future special license plate, application , fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.473. Missouri Junior Golf Foundation — Building the Future special license plate, application , fee. —1. Notwithstanding any other provision of law, any person, after an annual payment of an emblem-use fee to the Missouri Junior Golf Foundation, may receive personalized specialty license plates for any motor vehicle owned, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Missouri Junior Golf Foundation hereby authorizes the use of its official emblem to be affixed on multiyear personalized specialty license plates as provided in this section. Any contribution to the Missouri Junior Golf Foundation derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Missouri Junior Golf Foundation. Any person may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri Junior Golf Foundation, the Missouri Junior Golf Foundation shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual emblem-use authorization statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a personalized specialty license plate which shall bear the emblem of the Missouri Junior Golf Foundation, and the words "MISSOURI JUNIOR GOLF FOUNDATION - BUILDING THE FUTURE" at the bottom of the plate, in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalized specialty plates issued under this section. 3. A vehicle owner who was previously issued a plate with the Missouri Junior Golf Foundation's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri Junior Golf Foundation's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a Missouri Junior Golf Foundation specialty plate authorized under this section, the department of revenue must be in receipt of an application, as prescribed by the director, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. 5. The specialty personalized plate shall not be redesigned unless the organization pays the director in advance for all redesigned plate fees for the plate established in this section. If a person chooses to replace the specialty personalized plate for the new design, the person must pay the replacement fees prescribed in section 301.300 for the replacement of the existing specialty personalized plate. All other applicable license plate fees in accordance with this chapter shall be required. ---------- (L. 2012 H.B. 1807, et al., A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.474 - Korean Defense Service Medal, special license plates, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.474. Korean Defense Service Medal, special license plates, application, fee. —1. Any person who has been awarded the military service award known as the "Korea Defense Service Medal" may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the special license plates on a form provided by the director of revenue and

furnish such proof as a recipient of the Korea Defense Service Medal as the director may require. 3. Upon presentation of such proof of eligibility, payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law the director of revenue shall issue to the vehicle owner a special personalized license plate which shall bear the words "KOREA DEFENSE SERVICE MEDAL" at the bottom of the plate in a manner prescribed by the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive as prescribed by section 301.130. 4. Such plates shall also bear an image of the Korea Defense Service Medal. 5. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued under this section. 6. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. 7. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. 8. The director may consult with any organization which represents the interests of persons receiving the Korea Defense Service Medal when formulating the design for the special license plates described in this section. 9. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void. ---------- (L. 2015 S.B. 254, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.475 - Brain Tumor Awareness Organization special license plates, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.475. Brain Tumor Awareness Organization special license plates, procedure. —1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Brain Tumor Awareness Organization, may receive special license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. The Brain Tumor Awareness Organization hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Brain Tumor Awareness Organization derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Brain Tumor Awareness Organization. Any member of the Brain Tumor Awareness Organization may annually apply for the use of the emblem. 2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Brain Tumor Awareness Organization, the Brain Tumor Awareness Organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Brain Tumor Awareness Organization. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. In addition, upon such set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words "BRAINTUMORAWARENESS.ORG". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 3. A vehicle owner who was previously issued a plate with the Brain Tumor Awareness Organization's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Brain Tumor Awareness Organization's emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section. 4. Prior to the issuance of a Brain Tumor Awareness Organization specialty plate authorized under this section the department of revenue must be in receipt of an application, as prescribed by the director, which shall be accompanied by a list of at least two hundred potential applicants who plan to purchase the specialty plate, the proposed art design for the specialty license plate, and an application fee, not to exceed five thousand dollars, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the director of revenue shall not authorize the manufacture of the material to produce such specialized license plates with the individual seal, logo, or emblem until such time as the director has received two hundred applications, the twenty-five dollar specialty plate fee per authorization, and emblem-use statements, if applicable, and other required documents or fees for such plates. ---------- (L. 2009 H.B. 683 § 301.165, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.477 - Combat Action Badge special license plate authorized, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.477. Combat Action Badge special license plate authorized, fee. —1. Any person who has been awarded the combat action badge may apply for special personalized motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a

commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. 2. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat action badge as the director may require. 3. The director shall then issue license plates bearing the words "COMBAT ACTION" in place of the words "SHOW-ME STATE" in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the combat action badge. 4. There shall be an additional fee of fifteen dollars charged for each set of special combat action badge license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. 5. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. 6. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person. 7. The director may consult with the Missouri National Guard or any other organization which represents the interests of persons receiving combat action badges when formulating the design for the special license plates described in this section. 8. The director shall make all necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void. ---------- (L. 2011 H.B. 307 and H.B. 812, A.L. 2016 H.B. 2380)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.481 - Missouri 4-H special license plate, application, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.481. Missouri 4-H special license plate, application, fee. —Any person who is a member or a former member or whose child is a member of the Missouri 4-H may apply for motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than a commercial or apportioned motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a member or member's parent of the Missouri 4-H as the director may require. Upon payment of a fifteen dollar fee, presentation of all documents and payment of all other fees required by law, the director shall issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129*, with the words "MISSOURI 4-H" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Missouri 4-H emblem. No additional fee shall be charged for personalization of plates issued pursuant to this section. There shall be no limit on the number of plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person. ---------- (L. 2002 H.B. 1093, et al. merged with S.B. 737, A.L. 2016 H.B. 2380) *Section 301.129 was repealed by H.B. 1298 Revision, 2014.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.550 - Definitions — classification of dealers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.550. Definitions — classification of dealers. —1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.580, and in addition as used in sections 301.550 to 301.580, the following terms mean: (1)"Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barters, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.580; except that, such sales requirements shall be waived for entities also licensed as boat manufacturers under section 301.559 who custom manufacture boats: (a) For use with biological research and management equipment for fisheries; or (b) For use with scientific sampling and for geological or chemistry purposes. --The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.580; (2)"Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers; (3)"Department", the Missouri department of revenue; (4)"Director", the director of the Missouri department of revenue; (5)"Emergency vehicles", motor vehicles used as ambulances, law

enforcement vehicles, and fire fighting and assistance vehicles; (6)"Manufacturer", any person engaged in the manufacturing, assembling or modification of new motor vehicles or trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of motor vehicles or accessories for motor vehicles; (7)"Motor vehicle broker", a person who holds himself out through solicitation, advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale of a motor vehicle, and who is not: (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer; (b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf of a manufacturer; (c) The owner of the vehicle involved in the transaction; or (d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are licensed dealers in this or any other jurisdiction; (8)"Motor vehicle dealer"or"dealer", any person who, for commission or with an intent to make a profit or gain of money or other thing of value, sells, barters, exchanges, leases or rents with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor vehicles or trailers whether or not the motor vehicles or trailers are owned by such person; provided, however, an individual auctioneer or auction conducted by an auctioneer licensed pursuant to chapter 343 shall not be included within the definition of a motor vehicle dealer. The sale of eight or more motor vehicles or trailers in any calendar year shall be required as evidence that such person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer under sections 301.550 to 301.580. Any licensed motor vehicle dealer failing to meet the minimum vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. To be eligible for license renewal, applicants shall meet the minimum requirement of eight sales per year; (9)"New motor vehicle", any motor vehicle being transferred for the first time from a manufacturer, distributor or new vehicle dealer which has not been registered or titled in this state or any other state and which is offered for sale, barter or exchange by a dealer who is franchised to sell, barter or exchange that particular make of motor vehicle. The term "new motor vehicle" shall not include manufactured homes, as defined in section 700.010; (10)"New motor vehicle franchise dealer", any motor vehicle dealer who has been franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that make and motor vehicle and who may, in line with conducting his business as a franchise dealer, sell, barter or exchange used motor vehicles; (11)"Person"includes an individual, a partnership, corporation, an unincorporated society or association, joint venture or any other entity; (12)"Powersport dealer", any motor vehicle dealer who sells, either pursuant to a franchise agreement or otherwise, primarily motor vehicles including but not limited to motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this chapter and chapter 306; (13)"Public motor vehicle auction", any person, firm or corporation who takes possession of a motor vehicle whether by consignment, bailment or any other arrangement, except by title, for the purpose of selling motor vehicles at a public auction by a licensed auctioneer; (14)"Recreational motor vehicle dealer", a dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle; (15)"Storage lot", an area within the same city or county where a dealer may store excess vehicle inventory; (16)"Trailer dealer", any person selling, either exclusively or otherwise, trailers as defined in section 301.010. A trailer dealer may acquire a motor vehicle for resale only as a trade-in for a trailer. Notwithstanding the provisions of section 301.010 and section 301.069, trailer dealers may purchase one driveaway license plate to display such motor vehicle for demonstration purposes. The sale of six or more trailers in any calendar year shall be required as evidence that such person is engaged in the trailer business and is eligible for licensure as a trailer dealer under sections 301.550 to 301.580. Any licensed trailer dealer failing to meet the minimum trailer and vehicle sales requirements as referenced in this subsection shall not be qualified to renew his or her license for one year. Applicants who reapply after the one-year period shall meet the requirement of six sales per year; (17)"Used motor vehicle", any motor vehicle which is not a new motor vehicle, as defined in sections 301.550 to 301.580, and which has been sold, bartered, exchanged or given away or which may have had a title issued in this state or any other state, or a motor vehicle so used as to be what is commonly known as a secondhand motor vehicle. In the event of an assignment of the statement of origin from an original franchise dealer to any individual or other motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership shall be obtained in the assignee's name. The term "used motor vehicle" shall not include manufactured homes, as defined in section 700.010; (18)"Used motor vehicle dealer", any motor vehicle dealer who is not a new motor vehicle franchise dealer; (19)"Vessel", every boat and watercraft defined as a vessel in section 306.010; (20)"Vessel trailer", any trailer, as defined by section 301.010 which is designed and manufactured for the purposes of transporting vessels; (21)"Wholesale motor vehicle auction", any person, firm or corporation in the business of providing auction services solely in wholesale transactions at its established place of business in which the purchasers are motor vehicle dealers licensed by this or any other jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary course of its business. Except as required by law with regard to the auction sale of a government-owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in connection with the retail sale of a motor vehicle; (22)"Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via auctions limited to other dealers of any class. 2. For purposes of sections 301.550 to 301.580, neither the term motor vehicle nor the term trailer shall include manufactured homes, as defined in section 700.010. 3. Dealers shall be divided into classes as follows: (1) Boat dealers; (2) Franchised new motor vehicle dealers; (3) Used motor vehicle dealers; (4) Wholesale motor vehicle dealers; (5) Recreational motor vehicle dealers; (6) Historic motor vehicle dealers; (7) Classic motor vehicle dealers; (8) Powersport dealers; and (9) Trailer dealers. ---------- (L. 1988 H.B. 1512 § 1, A.L. 1993 S.B. 35, A.L. 1997 H.B. 207, A.L. 2002 H.B. 2008, A.L. 2007 S.B. 82 merged with S.B. 91, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2018 S.B. 707, A.L. 2021 S.B. 49)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.553 - Department of revenue responsible for licensing dealers and manufacturers — transfer of commission powers and duties to department of revenue — official seal — rules and regulations, promulgation of, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.553. Department of revenue responsible for licensing dealers and manufacturers — transfer of commission powers and duties to department of revenue — official seal — rules and regulations, promulgation of, procedure. —1. The department of revenue shall be responsible for the licensing of all manufacturers, motor vehicle dealers, boat dealers, wholesale motor vehicle auctions, public motor vehicle auctions and wholesale motor vehicle dealers pursuant to the provisions of sections 301.550 to 301.580 and the rules and regulations which it may adopt. 2. All the powers, duties and functions of the Missouri motor vehicle commission, sections 301.550 to 301.573, in effect immediately prior to July 1, 1997, are transferred by type I transfer, as provided in the Omnibus State Reorganization Act of 1974, to the department of revenue. The rules and regulations adopted by the commission which were adopted pursuant to this section prior to July 1, 1997, shall continue in effect after July 1, 1997. 3. All orders or decisions of the department shall be in writing, signed by the director and the official seal affixed thereto. 4. The department shall have the authority to promulgate those rules and regulations necessary to perform the provisions of sections 301.550 to 301.580 and is vested with those powers and duties necessary and proper to enable it to fully and effectively carry out the provisions of sections 301.550 to 301.580. No rule or portion of a rule promulgated under the authority of sections 301.550 to 301.580 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. ---------- (L. 1988 H.B. 1512 § 2, A.L. 1989 H.B. 211, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1997 H.B. 207, A.L. 2018 S.B. 707) CROSS REFERENCE: Rulemaking authority, effective when, null and void, when, 301.003

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.555 - Civil liability, department officials and employees immune from, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.555. Civil liability, department officials and employees immune from, when. —Every official and employee of the department and each person who provides information to or otherwise participates in the operation of the department shall be immune from civil liability for such acts so long as the acts were performed in good faith, without malice, and were reasonably related to the scope of inquiry of the department. ---------- (L. 1988 H.B. 1512 § 3, A.L. 1997 H.B. 207) Effective 7-01-97

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.557 - Duties of director of revenue in regulating dealers and manufacturers — contents, confidentiality.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.557. Duties of director of revenue in regulating dealers and manufacturers — contents, confidentiality. —1. The duties of the director shall include, but not be limited to: (1) The supervision and direction of the activities of the department's employees; (2) Keeping custody of the department's official seal and affixing of this seal to all licenses and orders issued by the department pursuant to sections 301.550 to 301.580; (3) The receipt and prompt disposition of all correspondence or inquiries directed to the department; (4) Maintaining a record of total number of annual new motor vehicle sales by individual franchise dealers and a separate record of total annual used motor vehicle sales by individual motor vehicle dealers from the director of revenue. These records will be available for public inspection; (5) Being the custodian of the files and records of the department; (6) The performance of any other duty required in the enforcement of sections 301.550 to 301.580. 2. The director shall receive complaints concerning its licensee's business or professional practices. The complaints shall be logged into record, the record shall include at a minimum, the licensee's name, the name of the complaining party, if given, the date of the complaint and a brief statement of the complaint and its ultimate disposition. Notwithstanding any provisions of law to the contrary, such complaint shall be kept in confidence by the director until such time as formal proceedings are filed with the director, or the director disposes of the complaint in accordance with section 301.562; provided that upon inquiry from a licensee against whom a complaint has been received, the director shall acknowledge to the licensee that a complaint has been made. The licensee shall have access to all complaints and information contained therein. ---------- (L. 1988 H.B. 1512 § 4, A.L. 1993 S.B. 35, A.L. 1997 H.B. 207, A.L. 2018 S.B. 707)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.558 - Dealer may fill in blanks on standardized forms, when — fee authorized, fund created — preliminary worksheet on computation of sale price, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.558. Dealer may fill in blanks on standardized forms, when — fee authorized, fund created — preliminary worksheet on computation of sale price, requirements. —1. A motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer if the motor vehicle dealer, boat dealer, or powersport dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents. 2. A motor vehicle dealer, boat dealer, or powersport dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle, vessel, or

vessel trailer for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer, boat dealer, or powersport dealer. *3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to one percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037. (2) There is hereby created in the state treasury the "Motor Vehicle Administration Technology Fund", which shall consist of money collected as specified in this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the purpose of development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles. (3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. (4) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. 4. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or used motor vehicles, vessels, or vessel trailers and imposes an administrative fee of five hundred dollars or less in connection with the sale or lease of a new or used vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law. The maximum administrative fee permitted under this subsection shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for All Urban Consumers or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency, or by zero, whichever is greater. The director of the department of revenue shall annually furnish the maximum administrative fee determined under this section to the secretary of state, who shall publish such value in the Missouri Register as soon as practicable after January fourteenth of each year. 5. If an administrative fee is charged under this section, the same administrative fee shall be charged to all retail customers unless the fee is limited by the dealer's franchise agreement to certain classes of customers. The fee shall be disclosed on the retail buyer's order form as a separate itemized charge. 6. A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material: "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW.". 7. The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as provided under section 484.020. ---------- (L. 2009 S.B. 355, A.L. 2021 S.B. 176) *Subsection 3 expires 1-01-37.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.559 - Licenses required for dealer, manufacturer or auction, penalty, expiration of — issuance, application — license not required, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.559. Licenses required for dealer, manufacturer or auction, penalty, expiration of — issuance, application — license not required, when. —1. It shall be unlawful for any person to engage in business as or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a license from the department as required in sections 301.550 to 301.580. Any person who maintains or operates any business wherein a license is required pursuant to the provisions of sections 301.550 to 301.580, without such license, is guilty of a class A misdemeanor. Any person committing a second violation of sections 301.550 to 301.580 shall be guilty of a class E felony. 2. All dealer licenses shall expire on December thirty-first of the designated license period. The department shall notify each person licensed under sections 301.550 to 301.580 of the date of license expiration and the amount of the fee required for renewal. The notice shall be mailed at least ninety days before the date of license expiration to the licensee's last known business address. The director shall have the authority to issue licenses valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload, at the sole discretion of the director. 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make application to the department for issuance of a license. The application shall be on forms prescribed by the department and shall be issued under

the terms and provisions of sections 301.550 to 301.580 and require all applicants, as a condition precedent to the issuance of a license, to provide such information as the department may deem necessary to determine that the applicant is bona fide and of good moral character, except that every application for a license shall contain, in addition to such information as the department may require, a statement to the following facts: (1) The name and business address, not a post office box, of the applicant and the fictitious name, if any, under which the applicant intends to conduct business, the applicant's regular business hours, and a phone number and email address where the applicant may be contacted during regular business hours. If the applicant is a partnership, the application shall list the name and residence address of each partner, an indication of whether the partner is a limited or general partner and the name under which the partnership business is to be conducted. In the event that the applicant is a corporation, the application shall list the names of the principal officers of the corporation and the state in which it is incorporated. Each application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer; (2) Whether the application is being made for registration as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction; (3) When the application is for a new motor vehicle franchise dealer, the application shall be accompanied by a copy of the franchise agreement in the registered name of the dealership setting out the appointment of the applicant as a franchise holder and it shall be signed by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall include a description of the make of all motor vehicles covered by the franchise. The department shall not require a copy of the franchise agreement to be submitted with each renewal application unless the applicant is now the holder of a franchise from a different manufacturer or distributor from that previously filed, or unless a new term of agreement has been entered into; (4) When the application is for a public motor vehicle auction, that the public motor vehicle auction has met the requirements of section 301.561. 4. No insurance company, finance company, credit union, savings and loan association, bank or trust company shall be required to obtain a license from the department in order to sell any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance with applicable title and registration laws of this state. 5. No person shall be issued a license to conduct a public motor vehicle auction or wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.580 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws which resulted in a felony conviction or finding of guilt. ---------- (L. 1988 H.B. 1512 § 5, A.L. 1993 S.B. 35, A.L. 1997 H.B. 207, A.L. 2012 H.B. 1402, A.L. 2016 H.B. 2332, A.L. 2018 S.B. 707)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.560 - Application requirements, additional — bonds, fees — fund — license number, certificate of numbers — duplicate dealer plates, issues, fees — test driving motor vehicles and vessels, use of plates — proof of educational seminar required, exceptions, contents of seminar.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.560. Application requirements, additional — bonds, fees — fund — license number, certificate of numbers — duplicate dealer plates, issues, fees — test driving motor vehicles and vessels, use of plates — proof of educational seminar required, exceptions, contents of seminar. —1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department: (1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant shall maintain a working telephone number during the entire registration year which will allow the public, the department, and law enforcement to contact the applicant during regular business hours. The applicant shall also maintain an email address during the entire registration year which may be used for official correspondence with the department. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall

contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales; (2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.580. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed; (3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of fifty thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured. The proceeds of the bond or irrevocable letter of credit furnished by an applicant shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. The proceeds of the bond or irrevocable letter of credit furnished by an applicant shall be paid at the order of the department and in the amount determined by the department to any buyer or interested lienholder up to the greater of the amount required for the release of the purchase money lien or the sales price paid by the buyer where a dealer has failed to fulfill the dealer's obligations under an agreement to assign and deliver title to the buyer within thirty days under a contract entered into pursuant to subsection 5 of section 301.210. The department shall direct release of the bond or irrevocable letter of credit proceeds upon presentation of a written agreement entered into pursuant to subsection 5 of section 301.210, copies of the associated sales and finance documents, and the affidavit or affidavits of the buyer or lienholder stating that the certificate of title with assignment thereof has not been passed to the buyer within thirty days of the date of the contract entered into under subsection 5 of section 301.210, that the dealer has not fulfilled the agreement under the contract to repurchase the vehicle, that the buyer or the lienholder has notified the dealer of the claim on the bond or letter of credit, and the amount claimed by the purchaser or lienholder. In addition, prior to directing release and payment of the proceeds of a bond or irrevocable letter of credit, the department shall ensure that there is satisfactory evidence to establish that the vehicle which is subject to the written agreement has been returned by the buyer to the dealer or that the buyer has represented to the department that the buyer will surrender possession of the vehicle to the dealer upon payment of the proceeds of the bond or letter of credit directed by the department. Excepting ordinary wear and tear or mechanical failures not caused by the buyer, the amount of proceeds to be paid to the buyer under the bond or irrevocable letter of credit shall be reduced by an amount equivalent to any damage, abuse, or destruction incurred by the vehicle while the vehicle was in the buyer's possession as agreed between the buyer and the dealer. The dealer may apply to a court of competent jurisdiction to contest the claim on the bond or letter of credit, including the amount of the claim and the amount of any adjustment for any damage, abuse, or destruction, by filing a petition with the court within thirty days of the notification by the buyer or lienholder. If the dealer does not fulfill the agreement or file a petition to request judicial relief from the terms of the agreement or contest the amount of the claim, the bond or letter of credit shall be released by the department and directed paid in the amount or amounts presented by the lienholder or buyer; (4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to 301.580, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year. 2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle

auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department. 3. Except as otherwise provided in subsection 6 of this section, upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application and payment by the applicant of a fee of fifty dollars for the first plate or certificate and ten dollars and fifty cents for each additional plate or certificate. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer. The license plates described in this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. *4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to: --For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact. 5. Upon the sale of a currently licensed motor vehicle dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer. If the new approved dealer applicant elects not to retain the selling dealer's license number, the department shall issue the new dealer applicant a new dealer's license number and an equal number of plates or certificates as the department had issued to the selling dealer. 6. In the case of motor vehicle dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue one additional number plate to the applicant upon payment by the dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for the additional number plate. The department may issue a third plate to the motor vehicle dealer upon completion of the dealer's fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents. In the case of new motor vehicle manufacturers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use by any customer while the customer's vehicle is being serviced or repaired by the motor vehicle dealer, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor

vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer. 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show. 9. If any law enforcement officer has probable cause to believe that any license plate or certificate of number issued under subsection 3 or 6 of this section is being misused in violation of subsection 7 or 8 of this section, the license plate or certificate of number may be seized and surrendered to the department. 10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006. (2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.580, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.580, and any other rules and regulations promulgated by the department. ---------- (L. 1988 H.B. 1512 § 6, A.L. 1989 H.B. 211, A.L. 1993 S.B. 35, A.L. 1995 S.B. 70, A.L. 1997 H.B. 207, A.L. 2002 H.B. 1838 merged with H.B. 2008 merged with H.B. 2009 merged with S.B. 895. A.L. 2006 S.B. 747, A.L. 2007 S.B. 82 merged with S.B. 91, A.L. 2010 S.B. 583, A.L. 2012 H.B. 1402, A.L. 2018 S.B. 707, A.L. 2019 H.B. 926 merged with S.B. 368, A.L. 2020 H.B. 1963) *Subsection 4 became effective 12-01-08, because director of revenue did not provide notification of earlier date.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.561 - Sign required at public motor vehicle auction.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.561. Sign required at public motor vehicle auction. —Any person or corporation holding a public motor vehicle auction shall display in a conspicuous manner two signs each of which shall bear the following warning in letters at least six inches high: "Attention Buyers: Vehicles sold at this auction may not have had a safety inspection." The dimensions of each sign shall be at least two feet by two feet. ---------- (L. 1997 H.B. 207) Effective 7-01-97

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.562 - License suspension, revocation, refusal to renew — procedure — grounds — complaint may be filed, when — clear and present danger, what constitutes, revocation or suspension authorized, procedure — agreement permitted, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.562. License suspension, revocation, refusal to renew — procedure — grounds — complaint may be filed, when — clear and present danger, what constitutes, revocation or suspension authorized, procedure — agreement permitted, when. —1. The department may refuse to issue or renew any license required pursuant to sections 301.550 to 301.580 for any one or any combination of causes stated in subsection 2 of this section. The department shall notify the applicant or licensee in writing at his or her last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621. 2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued under sections 301.550 to 301.580 for any one or any combination of the following causes: (1) The applicant or license holder was previously the holder of a license issued under sections 301.550 to 301.580, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled; (2) The applicant or license holder was previously a partner, stockholder, director or officer controlling or managing a partnership or corporation whose license issued under sections 301.550 to 301.580 was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled; (3) The applicant or license holder has, within ten years prior to the date of the application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any business licensed under sections 301.550 to 301.580; for any offense, an essential element of which is fraud, dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed; (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued pursuant to sections 301.550 to 301.580; (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or other compensation by fraud, deception, or misrepresentation; (6) Violation of, or assisting or enabling any person to violate any provisions of this chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643; (7) The applicant or license holder has filed an application for a

license which, as of its effective date, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact; (8) The applicant or license holder has failed to pay the proper application or license fee or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a bona fide place of business; (9) Uses or permits the use of any special license or license plate assigned to the license holder for any purpose other than those permitted by law; (10) The applicant or license holder is finally adjudged insane or incompetent by a court of competent jurisdiction; (11) Use of any advertisement or solicitation which is false; (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a conviction or finding of guilt or violation of any federal motor vehicle laws which result in a conviction or finding of guilt. 3. Any such complaint shall be filed within one year of the date upon which the department receives notice of an alleged violation of an applicable statute or regulation. After the filing of such complaint, the proceedings shall, except for the matters set forth in subsection 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, refuse to issue the person a license, issue a license for a period of less than two years, issue a private reprimand, place the person on probation on such terms and conditions as the department deems appropriate for a period of one day to five years, suspend the person's license from one day to six days, or revoke the person's license for such period as the department deems appropriate. The applicant or licensee shall have the right to appeal the decision of the administrative hearing commission and department in the manner provided in chapter 536. 4. Upon the suspension or revocation of any person's license issued under sections 301.550 to 301.580, the department shall recall any distinctive number plates that were issued to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse to surrender his or her license or distinctive number license plates issued under sections 301.550 to 301.580, the director shall direct any agent or employee of the department or any law enforcement officer, to secure possession thereof and return such items to the director. For purposes of this subsection, a"law enforcement officer"means any member of the highway patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his or her official capacity. Failure of the licensee to surrender his or her license or distinctive number license plates upon demand by the director, any agent or employee of the department, or any law enforcement officer shall be a class A misdemeanor. 5. Notwithstanding the foregoing provisions of this section, the following events or acts by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a clear and present danger to the public welfare and shall be considered cause for suspension or revocation of such license under the procedure set forth in subsection 6 of this section, at the discretion of the director: (1) The expiration or revocation of any corporate surety bond or irrevocable letter of credit, as required by section 301.560, without submission of a replacement bond or letter of credit which provides coverage for the entire period of licensure; (2) The failure to maintain a bona fide established place of business as required by section 301.560; (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section; or (4) Three or more occurrences of violations which have been established following proceedings before the administrative hearing commission under subsection 3 of this section, or which have been established following proceedings before the director under subsection 6 of this section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not previously set forth herein. 6. (1) Any license issued under sections 301.550 to 301.580 may be suspended or revoked, following an evidentiary hearing before the director or his or her designated hearing officer, if affidavits or sworn testimony by an authorized agent of the department alleges the occurrence of any of the events or acts described in subsection 5 of this section. (2) For any license which the department believes may be subject to suspension or revocation under this subsection, the director shall immediately issue a notice of hearing to the licensee of record. The director's notice of hearing: (a) Shall be served upon the licensee personally or by first class mail to the dealer's last known address, as registered with the director; (b) Shall be based on affidavits or sworn testimony presented to the director, and shall notify the licensee that such information presented therein constitutes cause to suspend or revoke the licensee's license; (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing; (d) Shall specify the events or acts which may provide cause for suspension or revocation of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other information presented to the director which support discipline of the license; and (e) Shall inform the licensee that he or she has the right to attend the hearing and present any evidence in his or her defense, including evidence to show that the event or act which may result in suspension or revocation has been corrected to the director's satisfaction, and that he or she may be represented by counsel at the hearing. (3) At any hearing before the director conducted under this subsection, the director or his or her designated hearing officer shall consider all evidence relevant to the issue of whether the license should be suspended or revoked due to the occurrence of any of the acts set forth in subsection 5 herein. Within twenty business days after such hearing, the director or his or her designated hearing officer shall issue a written order, with findings of fact and conclusions of law, which either grants or denies the issuance of an order of suspension or revocation. The suspension or revocation shall be effective ten days after the date of the order. The written order of the director or his or her hearing officer shall be the final decision of the director and shall be subject to judicial review under the provisions of chapter 536. (4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary, the proceedings under this subsection shall be closed and no order shall be made public until it is final, for purposes of appeal. 7. In lieu of acting under subsection 2 or 6 of this section, the department of revenue may enter into an agreement with the holder of the license to ensure future compliance with sections 301.210, 301.213, 307.380, sections 301.217 to 301.229, and sections 301.550 to 301.580. Such agreement may include an assessment fee not to exceed five hundred dollars per violation or five thousand dollars in the aggregate unless otherwise permitted by law, probation terms and conditions, and other requirements as may be deemed appropriate by the department of revenue and the holder of the license. Any fees collected by the department of revenue

under this subsection shall be deposited into the motor vehicle commission fund created in section 301.560. ---------- (L. 1988 H.B. 1512 § 7, A.L. 1993 S.B. 35, A.L. 1997 H.B. 207, A.L. 2004 H.B. 1259 merged with S.B. 1233, et al., A.L. 2009 H.B. 683, A.L. 2012 H.B. 1402, A.L. 2015 S.B. 456, A.L. 2018 S.B. 707 merged with S.B. 975 & 1024 Revision)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.563 - Subpoenas, issuance of process, department's authority — witnesses, costs — failure to obey process, penalty, continuing violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.563. Subpoenas, issuance of process, department's authority — witnesses, costs — failure to obey process, penalty, continuing violations. —1. The department or its designated representative may issue process, subpoena witnesses, administer oaths, examine books and papers, and require the production thereof, and cause the deposition of any witness to be taken and the costs thereof paid as other costs under sections 301.550 to 301.580. Any party may process to compel the attendance of witnesses and the production of books and papers, and at his own cost to take and use depositions in like manner as in civil cases in the circuit court. The subpoena shall extend to all parts of the state, and may be served as in civil actions in the circuit court, but the costs of the service shall be as in other civil actions. Each witness shall receive the fees and mileage prescribed by law in civil cases, but the same shall not be allowed as costs to the party in whose behalf the witness was summoned unless the person who conducts the hearing certifies that the testimony of the witness was necessary. All costs under this section shall be approved by the department and paid out of the Missouri motor vehicle commission fund established in section 301.560, except that if the department determines that any proceedings are brought, prosecuted or defended without reasonable ground, it may assess the whole cost of the proceedings upon the party who brought, prosecuted or defended the proceedings. 2. If any person subpoenaed to appear at any hearing or proceeding fails to obey the command of such subpoena without reasonable cause or if any person attending a hearing or proceeding shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or paper or to subscribe or swear to his deposition, such person is guilty of a class B misdemeanor and on conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment, and in the case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense. ---------- (L. 1993 S.B. 35, A.L. 1997 H.B. 207, A.L. 2018 S.B. 707)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.564 - Inspection of certain documents and odometer readings in possession of dealers, manufacturers and auctions — law enforcement official, defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.564. Inspection of certain documents and odometer readings in possession of dealers, manufacturers and auctions — law enforcement official, defined. —1. Any person or his agent licensed or registered as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction pursuant to the provisions of sections 301.550 to 301.580 shall permit an employee of the department of revenue or any law enforcement official to inspect, during normal business hours, any of the following documents which are in his possession or under his custody or control: (1) Any title to any motor vehicle or vessel; (2) Any application for title to any motor vehicle or vessel; (3) Any affidavit provided pursuant to sections 301.550 to 301.580 or chapter 407; (4) Any assignment of title to any motor vehicle or vessel; (5) Any disclosure statement or other document relating to mileage or odometer readings required by the laws of the United States or any other state; (6) Any inventory and related documentation. 2. For purposes of this section, the term"law enforcement official"shall mean any of the following: (1) Attorney general, or any person designated by him to make such an inspection; (2) Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection; (3) Any member or authorized or designated employee of the Missouri state highway patrol; (4) Any sheriff or deputy sheriff; (5) Any peace officer certified pursuant to chapter 590 acting in his official capacity. ---------- (L. 1988 H.B. 1512 § 8, A.L. 1993 S.B. 35, A.L. 1997 H.B. 207, A.L. 2018 S.B. 707, A.L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.565 - Injunction may issue, grounds — remedy not exclusive.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.565. Injunction may issue, grounds — remedy not exclusive. —1. Upon application by the department, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from: (1) Offering to engage or engaging in the performance of any acts or practices for which a license is required under the provisions of this chapter, upon a showing that such acts or practices were performed or offered to be performed without a license; or (2) Violating any provision of this chapter, any rule promulgated by the department pursuant to this chapter, subsection 1 of section 307.350, sections 407.511 to 407.556, or section 578.120. 2. Any action brought under this section shall be in addition to and not in lieu of any remedy provided by this chapter and may be brought concurrently with other actions to enforce this chapter. ---------- (L. 1993 S.B. 35, A.L. 1997 H.B. 207) Effective 7-01-97 CROSS REFERENCE: Rulemaking authority, effective when, null and void, when, 301.003

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.566 - Motor vehicle sales or shows held away from registered place of business, allowed, when — off-site retail sale of vehicles, when — recreational vehicle dealer participation in off-premise events, recreational vehicle shows and vehicle exhibitions — out-of-state participants — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.566. Motor vehicle sales or shows held away from registered place of business, allowed, when — off-site retail sale of vehicles, when — recreational vehicle dealer participation in off-premise events, recreational vehicle shows and vehicle exhibitions — out-of-state participants — violation, penalty. —1. Except as provided in this section, it shall be unlawful for a motor vehicle dealer to sell or offer to sell any motor vehicle away from the dealer's registered place of business. It shall not be a violation of this section for a motor vehicle dealer to deliver a motor vehicle to a customer for a test drive away from the dealer's registered place of business; deliver documents to a customer to sign away from the dealer's registered place of business; deliver documents to, or obtain documents from, a customer away from the dealer's registered place of business; or deliver a motor vehicle to a customer away from the dealer's registered place of business. 2. The sale of vehicles at off-site sales shall be limited to sales by a seller of vehicles used and titled solely in its ordinary course of business, and such sales shall be held in conjunction with a credit union and limited to members of the credit union, thus constituting a private sale to be advertised to members only. 3. Off-site sales by a seller of vehicles used and titled solely in its ordinary course of business may also be held in conjunction with other financial institutions provided that any such sale event shall be held on the premises of the financial institution, and sales shall be limited to persons who were customers of the financial institution prior to the date of the sale event. Off-site sales held with such other financial institutions shall be limited to one sale per year per institution. 4. A motor vehicle dealer may participate in up to two off-premise motor vehicle shows or sales annually and conduct sales of motor vehicles away from the dealer's registered place of business, which for purposes of this section shall be considered off-premise events provided the following: (1) The off-premise event shall be conducted for not more than five consecutive days; (2) The off-premise event shall not require any motor vehicle dealer participant to pay an unreasonably prohibitive participation fee: (a) Participation fees may include those costs reasonably necessary for the off-premise event such as rental of real property and provision of insurance coverage; (b) If a participation fee is required, the fee shall be the same for all motor vehicle dealers participating in the event, but in no event shall any participation fee exceed five hundred dollars per participant; (3) A majority of motor vehicle dealers within a class of dealers described in subsection 3 of section 301.550 that are located within the city or town in which the off-premise event is situated participate in the event or are notified via mail or electronic means and have the opportunity to participate in the event; (4) A majority of motor vehicle dealers within a class of dealers described in subsection 3 of section 301.550 that are located within a ten-mile radius of the location of the off-premise event participate in the event or are notified via mail or electronic means and have the opportunity to participate in the event; (5) Notices provided pursuant to subdivisions (3) and (4) of this subsection shall be provided not less than forty-five days before the off-premise event is to take place and invited dealers shall be given at least five business days to respond to the notice; (6) The organizer of the off-premise event shall provide a copy of the notices issued pursuant to subdivisions (3) and (4) of this subsection to the director at the time they are mailed or electronically transmitted to the prospective participants; and (7) No motor vehicle dealer shall participate in any off-premise event that is more than ten miles from its licensed location. 5. Provided the requirements of this section are met, the department shall consider such events to be proper in all respects and as if each dealer participant was conducting business at the dealer's usual business location. Nothing contained in this section shall be construed as applying to the sale of motor vehicles or trailers through either a wholesale motor vehicle auction or public motor vehicle auction. A recreational motor vehicle dealer, as classified by subdivision (5) of subsection 3 of section 301.550, may participate in an off-premise event even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event. 6. A recreational vehicle dealer, as that term is defined in section 700.010, who is licensed in another state may participate in recreational vehicle shows or exhibits with recreational vehicles within this state in which less than fifty dealers participate as exhibitors with permission of the dealer's licensed manufacturer if all of the following conditions exist: (1) The show or exhibition has a minimum of ten recreational vehicle dealers licensed as motor vehicle dealers in this state; (2) More than fifty percent of the participating recreational vehicle dealers are licensed motor vehicle dealers in this state; and (3) The state in which the recreational vehicle is licensed is a state contiguous to Missouri and the state permits recreational vehicle dealers licensed in Missouri to participate in recreational vehicle shows in such state pursuant to conditions substantially equivalent to the conditions which are imposed on dealers from such state who participate in recreational vehicle shows in Missouri. 7. A recreational vehicle dealer licensed in another state may participate in a vehicle show or exhibition in Missouri which has, when it opens to the public, at least fifty dealers displaying recreational vehicles if the show or exhibition is trade-oriented and is predominantly funded by recreational vehicle manufacturers. All of the participating dealers who are not licensed in Missouri shall be licensed as recreational vehicle dealers by the state of their residence. 8. A recreational vehicle dealer licensed in another state who intends to participate in a vehicle show or exhibition in this state shall send written notification of such intended participation to the department of revenue at least thirty days prior to the vehicle show or exhibition. Upon receipt of such written notification, the department of revenue shall make a determination regarding compliance with the provisions of this section. If such recreational vehicle dealer would be unable to participate in the vehicle show or exhibition in this state pursuant to this section, the department of revenue shall notify the recreational vehicle dealer at least fifteen days prior to the vehicle show or exhibition of the inability to participate in the vehicle show or exhibition in this state. 9. The department may assess a fine of up to one thousand dollars for the

off-premise sale or display of any motor vehicle in violation of this section. ---------- (L. 1988 H.B. 1512 § 9, A.L. 1993 S.B. 35, A.L. 1996 S.B. 560, A.L. 1997 H.B. 207, A.L. 2004 H.B. 1288 and S.B. 1233, et al., A.L. 2007 S.B. 82, A.L. 2018 S.B. 707, A.L. 2022 H.B. 2416)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.567 - Advertising standards, violation of, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.567. Advertising standards, violation of, when. —1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562: (1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a new motor vehicle as defined in section 301.550; (2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term "used", or by such other term as is commonly understood to mean that the vehicle is used; (3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement; (4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory; (5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the manufacturer's suggested retail price of the advertised vehicle; (6) Terms such as "at cost", "$_____ above cost", "invoice price", and "$_____ below/over invoice" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale; (7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement; (8) Advertisements of dealer rebates shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed; (9) "Free" or "at no cost" shall not be used if any purchase is required to qualify for the free item, merchandise, or service; (10) Bait advertising, in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples: (a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement; (b) Advertising a motor vehicle at a specified price, including such terms as "as low as $_____", but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price; (11) Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following: (a) Whether the payment or other information relates to a financing or a lease transaction; (b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, first-time buyer discounts, college graduate discounts, and a statement concerning whether the advertised terms are subject to credit approval; (c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars; (12) Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used; (13) Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used; (14) No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases. 2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail. If the advertisement is by means of a broadcast or print media, a dealer may provide the disclaimers and disclosures required under subdivision (3) of subsection 1 of this section by reference to an internet web page or toll-free telephone number containing the information required to be disclosed. 3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560. ---------- (L. 2002 H.B. 2008, A.L. 2005 H.B. 487, A.L. 2007 S.B. 82, A.L. 2012 H.B. 1402)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.568 - Exchange of motor vehicles between dealers, registration not required, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.568. Exchange of motor vehicles between dealers, registration not required, when. —New motor vehicles may be exchanged for resale from one new motor vehicle franchise

dealer to another who is franchised to sell the same make of new motor vehicles by assignment of the manufacturer's statement of origin. Such exchange shall not be deemed to be a sale and shall not require the motor vehicle dealer to register and make application for a certificate of ownership as set out in this chapter. However, when an exchange by assignment of the manufacturer's statement of origin is between a new motor vehicle franchise dealer and another motor vehicle dealer who has a franchise for a different make of motor vehicle or a motor vehicle dealer who is not a new motor vehicle franchise dealer, the transaction shall be deemed a sale and shall void the resale of that motor vehicle as a new motor vehicle, and it shall be unlawful for any motor vehicle dealer to hold forth, offer for sale, advertise or sell such motor vehicle as a new motor vehicle. A motor vehicle dealer shall not assign ownership on any vehicle in a retail sale by the assignment of a manufacturer's statement of origin unless he is franchised by the manufacturer to sell that particular make of vehicle; however, this provision shall not take effect if the motor vehicle dealer and the manufacturer are in the process of negotiating a new franchise agreement, or the motor vehicle dealer has filed a timely protest to the manufacturer or appealed under section 407.825 of the motor vehicle franchise practices act. The provisions of this section shall not apply to mobile homes or trailers. ---------- (L. 1988 H.B. 1512 § 10, A.L. 2018 S.B. 707)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.569 - Recreational vehicle shows and exhibits by out-of-state promoters permitted, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.569. Recreational vehicle shows and exhibits by out-of-state promoters permitted, when. —1. An out-of-state show promoter of recreational vehicles, as that term is defined in section 700.010, may hold recreational vehicle shows or exhibits with recreational vehicles within this state if the following conditions exist: (1) The show or exhibition has a minimum of ten recreational vehicle dealers licensed as motor vehicle dealers in this state; and (2) More than fifty percent of the participating recreational vehicle dealers are licensed motor vehicle dealers in this state. 2. A violation of subsection 1 of this section shall result in a five thousand dollar fine. ---------- (L. 2007 S.B. 82)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.570 - Sale of six or more motor vehicles in a year without license, prohibited — prosecuting attorney, duties — penalty, exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.570. Sale of six or more motor vehicles in a year without license, prohibited — prosecuting attorney, duties — penalty, exceptions. —1. It shall be unlawful for any person, partnership, corporation, company or association, unless the seller is a financial institution, or is selling repossessed motor vehicles or is disposing of vehicles used and titled solely in its ordinary course of business or is a collector of antique motor vehicles, to sell or display with an intent to sell six or more motor vehicles in a calendar year, except when such motor vehicles are registered in the name of the seller, unless such person, partnership, corporation, company or association is: (1) Licensed as a motor vehicle dealer by the department under the provisions of sections 301.550 to 301.580; (2) Exempt from licensure as a motor vehicle dealer pursuant to subsection 4 of section 301.559; (3) Selling commercial motor vehicles with a gross weight of at least nineteen thousand five hundred pounds, but only with respect to such commercial motor vehicles; (4) An auctioneer, acting at the request of the owner at an auction, when such auction is not a public motor vehicle auction. 2. Any person, partnership, corporation, company or association that has reason to believe that the provisions of this section are being violated shall file a complaint with the prosecuting attorney in the county in which the violation occurred. The prosecuting attorney shall investigate the complaint and take appropriate action. 3. For the purposes of sections 301.550 to 301.580, the sale, barter, exchange, lease or rental with option to purchase of six or more motor vehicles in a calendar year by any person, partnership, corporation, company or association, whether or not the motor vehicles are owned by them, shall be prima facie evidence of intent to make a profit or gain of money and such person, partnership, corporation, company or association shall be deemed to be acting as a motor vehicle dealer without a license. 4. Any person, partnership, corporation, company or association who violates subsection 1 of this section is guilty of a class A misdemeanor. A second or subsequent conviction shall be deemed a class E felony. 5. The provisions of this section shall not apply to liquidation of an estate. ---------- (L. 1988 H.B. 1512 § 11, A.L. 1993 S.B. 35, A.L. 1995 S.B. 152, A.L. 1997 H.B. 207, A.L. 2007 S.B. 82, A.L. 2012 H.B. 1402, A.L. 2014 S.B. 491, A.L. 2018 S.B. 707)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.571 - Mobility motor vehicle dealers, definitions, authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.571. Mobility motor vehicle dealers, definitions, authority. —1. For purposes of this section, the following terms mean: (1)"Mobility motor vehicle", a motor vehicle that is designed and equipped to transport a person with a disability and: (a) Contains a lowered floor or lowered frame, or a raised roof and/or raised door; (b) Contains an electronic or mechanical wheelchair, scooter, or platform lift that enables a person to enter or exit the vehicle while occupying a wheelchair or scooter; an electronic or mechanical wheelchair ramp; or a system to secure a wheelchair or scooter to allow for a person to be safely transported while occupying the wheelchair or scooter; and (c) Is installed as an integral part or permanent attachment to the motor vehicle chassis; (2)"Mobility motor vehicle dealer", a dealer who is licensed as a new or used motor vehicle dealer under this chapter who is engaged in the business of buying, selling, or exchanging mobility motor vehicles and servicing or repairing mobility motor vehicles at an established and permanent place of business. 2. Notwithstanding any other law, a mobility motor vehicle dealer may: (1) Purchase or otherwise acquire a new motor vehicle from a

franchised dealer to fit or equip the motor vehicle for retail sale as a mobility motor vehicle from a franchised dealer wherever located; (2) Display a new motor vehicle to a person with a disability to fit or equip the vehicle as a mobility motor vehicle for the person; or (3) Sell a new motor vehicle that has been fitted or equipped as a new mobility motor vehicle with the resale occurring through or by a franchised dealer. 3. A mobility motor vehicle dealer who purchased or acquired a new motor vehicle from a franchised dealer to equip the vehicle as a mobility vehicle shall not advertise the vehicle for resale until the vehicle is fitted or equipped as a mobility motor vehicle. 4. A mobility motor vehicle dealer shall not, except as permitted by subdivision (2) of subsection 2 of this section, display or offer to display a new motor vehicle that is not a mobility motor vehicle to the public. ---------- (L. 2009 H.B. 683)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.573 - Title designations may be reviewed by department of revenue.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.573. Title designations may be reviewed by department of revenue. —The department may review all title designations. Any designation described in section 301.190 or 301.227, placed on a certificate of ownership or certificate of title issued pursuant to section 301.190 or 301.227, shall remain on the certificate of ownership or title, and any and all subsequent certificates of ownership or title issued for that vehicle shall carry such designation on the face of such certificates of ownership or title. ---------- (L. 1993 S.B. 35 § 1, A.L. 1997 H.B. 207) Effective 7-01-97 (1994) Statute giving administrative agency the specific duty to review title designations and to place historical information regarding vehicle title on subsequent titles is not so imprecise and uncertain a duty as to render the statute void for vagueness. Baugust v. Director of Revenue, 878 S.W.2d 39 (Mo. en banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.576 - Third-party motor vehicle reports — immunity from liability, when — inapplicability, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.576. Third-party motor vehicle reports — immunity from liability, when — inapplicability, when. —A motor vehicle dealer, as defined in section 301.550, and the dealer's owners, shareholders, officers, employees, and agents who, in conjunction with the actual or potential sale or lease of a motor vehicle, arrange to provide, actually provide, or otherwise make available to a vehicle purchaser, lessee, or other person any third-party motor vehicle history report shall not be liable to the vehicle purchaser, lessee, or other person for any errors, omissions, or other inaccuracies contained in the third-party motor vehicle history report that are not based on information provided directly to the preparer of the third-party motor vehicle history report by that dealer. For purposes of this section, a"third-party motor vehicle report"means any information prepared by a party other than the dealer relating to any one or more of the following: vehicle ownership or titling history; liens on the vehicle; vehicle service, maintenance, or repair history; vehicle condition; or vehicle accident or collision history. This section shall not apply in the case of any dealer having actual knowledge about a vehicle's accident, salvage, or service history which is different from, or not disclosed on, any third-party motor vehicle report. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.580 - Special event motor vehicle auction license, requirements, fee — corporate surety bond required — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.580. Special event motor vehicle auction license, requirements, fee — corporate surety bond required — rulemaking authority. —1. The department of revenue may issue special event motor vehicle auction licenses under the provisions of this section. For purposes of this section, a"special event motor vehicle auction"is a motor vehicle auction which: (1) Ninety percent of the vehicles being auctioned are at least ten years old or older; (2) The licensee shall auction no more than three percent of the total number of vehicles presented for auction which are owned and titled in the name of the licensee or its owners; and (3) The duration is no more than three consecutive calendar days and is held no more than three times in a calendar year by a licensee. 2. A special event motor vehicle auction shall be considered a public motor vehicle auction for purposes of sections 301.559 and 301.564. 3. Special event motor vehicle auction licensees shall be exempt from the requirements of section 301.560, with the exception of subdivision (4) of subsection 1 of section 301.560. 4. An application for a special event motor vehicle auction license must be received by the department at least ninety days prior to the beginning of the special event auction. 5. Applicants for a special motor vehicle auction are limited to no more than three special event auctions in any calendar year. A separate application is required for each special event motor vehicle auction. 6. At least ninety percent of the vehicles being auctioned at a special event motor vehicle auction shall be ten years old or older. The licensee shall, within ten days of the conclusion of a special event motor vehicle auction, submit a report in the form approved by the director to the department that includes the make, model, year, and vehicle identification number of each vehicle included in the auction. Every vehicle included in the special event auction shall be listed, including those vehicles that were auctioned and sold and those vehicles that were auctioned but did not sell. Violation of this subsection is a class A misdemeanor. 7. The applicant for the special event motor vehicle auction shall be responsible for ensuring that a sales tax license or special event sales tax license is obtained for the event if one is required. 8. The fee for a special event motor vehicle auction license shall be one thousand dollars. For every vehicle auctioned in violation of subsection 6 of this section, an administrative fee of five hundred dollars shall be paid to the

department. Such fees shall be deposited in like manner as other license fees of this section. 9. In addition to the causes set forth in section 301.562, the department may promulgate rules that establish additional causes to refuse to issue or to revoke a special event license. 10. A special motor vehicle auction shall last no more than three consecutive days. 11. The applicant for a special event motor vehicle auction shall be registered to conduct business in this state. 12. Every applicant for a special event motor vehicle auction license shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102 issued by any state or federal financial institution in the penal sum of one hundred thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the applicant complying with the provisions of the statutes applicable to a special event auction license holder and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the revocation or denial of a special event auction license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary. The aggregate liability of the surety or financial institution to the aggrieved parties shall not exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. 13. No dealer, driveaway, auction, or wholesale plates, or temporary permit booklets, shall be issued in conjunction with a special event motor vehicle auction license. 14. Any person or entity who sells a vehicle at a special event motor vehicle auction shall provide, to the buyer, current contact information including, but not limited to, name, address, and telephone number. 15. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. ---------- (L. 2012 H.B. 1402 and S.B. 470, A.L. 2014 H.B. 1245)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.600 - Liens and encumbrances, how perfected — effect of on vehicles and trailers brought into state — security procedures for verifying electronic notices.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.600. Liens and encumbrances, how perfected — effect of on vehicles and trailers brought into state — security procedures for verifying electronic notices. —1. Unless excepted by section 301.650, a lien or encumbrance on a motor vehicle or trailer, as defined by section 301.010, is not valid against subsequent transferees or lienholders of the motor vehicle or trailer who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 301.600 to 301.660. 2. Subject to the provisions of section 301.620, a lien or encumbrance on a motor vehicle or trailer is perfected by the delivery to the director of revenue of a notice of a lien in a format as prescribed by the director of revenue. The notice of lien is perfected as of the time of its creation if the delivery of such notice to the director of revenue is completed within thirty days thereafter, otherwise as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the motor vehicle or trailer and the secured party, a description of the motor vehicle or trailer, including the vehicle identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of such notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien. 3. Notwithstanding the provisions of section 301.620, on a refinance by a different lender of a prior loan secured by a motor vehicle or trailer a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue. 4. To perfect a subordinate lien, the notice of lien must be accompanied by the documents required to be delivered to the director pursuant to subdivision (3) of section 301.620. 5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" on the notice of lien and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one notice of lien. To secure future advances when an existing lien on a motor vehicle or trailer does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows: proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder. 6. If a motor vehicle or trailer is subject to a lien or encumbrance when brought into this state, the validity and effect of the lien or encumbrance is determined by the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, subject to the following: (1) If the parties understood at the time the lien or encumbrance attached that the motor vehicle or trailer would be kept in this state and it was brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state is determined by the law of this state; (2) If the lien or encumbrance was perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, the following rules apply: (a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or

encumbrance continues perfected in this state; (b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by that jurisdiction, the lien or encumbrance continues perfected in this state three months after a first certificate of ownership of the motor vehicle or trailer is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state.--The lien or encumbrance may also be perfected in this state after the expiration of the three-month period; in that case perfection dates from the time of perfection in this state; --The lien or encumbrance may also be perfected in this state after the expiration of the three-month period; in that case perfection dates from the time of perfection in this state; (3) If the lien or encumbrance was not perfected pursuant to the law of the jurisdiction where the motor vehicle or trailer was when the lien or encumbrance attached, it may be perfected in this state; in that case perfection dates from the time of perfection in this state; (4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection either as provided in subsection 2 or 4 of this section or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director of revenue prescribes and the required fee. 7. By rules and regulations, the director of revenue shall establish a security procedure for the purpose of verifying that an electronic notice of lien or notice of satisfaction of a lien on a motor vehicle or trailer given as permitted in sections 301.600 to 301.640 is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in section 301.610 is that of the director of revenue, and detecting error in the transmission or the content of any such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure. ---------- (L. 1965 p. 474 § 1, A.L. 1989 H.B. 211, A.L. 1999 H.B. 795, A.L. 2000 S.B. 896, A.L. 2001 H.B. 738 merged with S.B. 186, A.L. 2002 H.B. 2008 merged with S.B. 895, A.L. 2011 H.B. 550, A.L. 2012 H.B. 1150 merged with H.B. 1402 merged with S.B. 485) (1967) This section is not ambiguous and does not require construction to determine the intent of the lawmakers. Delivery of executed lien perfection copy of Missouri form perfected lien even upon failure of delivery of other copies of form and even though the vehicle was not registered for licensing purposes. Zuke v. Mercantile Trust Company National Association (A.), 385 F.2d 775. (1974) Repossession proceedings under this section held not to involve sufficient state action to authorize cause of action under federal civil rights act. Nichols v. Tower Grove Bank (C.A. Mo.), 497 F.2d 404.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.610 - Certificate of ownership, delivery to whom, when — electronic certificate of ownership, defined, maintained by director, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.610. Certificate of ownership, delivery to whom, when — electronic certificate of ownership, defined, maintained by director, when. —1. A certificate of ownership of a motor vehicle or trailer when issued by the director of revenue shall be mailed to the owner shown on the face of the title of such motor vehicle or trailer. If the certificate of ownership is being held electronically by the director of revenue at the election of a lienholder, then confirmation of such ownership shall be electronically transmitted or mailed to the first lienholder named in such certificate. 2. A lienholder may elect that the director of revenue retain possession of an electronic certificate of ownership, and the director shall issue regulations to cover the procedure by which such election is made. Each such certificate of ownership shall require a separate election, unless the director provides otherwise by regulation. A subordinate lienholder shall be bound by the election of the superior lienholder with respect to the certificate involved. 3."Electronic certificate of ownership"means any electronic record of ownership, including a lien or liens that may be recorded. ---------- (L. 1965 p. 474 § 2, A.L. 1990 H.B. 1279, A.L. 1992 H.B. 884, A.L. 1999 H.B. 795, A.L. 2002 H.B. 2008 merged with S.B. 895) Effective 8-28-02 (H.B. 2008); 7-01-03 (S.B. 895)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.620 - Duties of parties upon creation of lien or encumbrance, violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.620. Duties of parties upon creation of lien or encumbrance, violation, penalty. —If an owner creates a lien or encumbrance on a motor vehicle or trailer: (1) The owner shall immediately execute the application, in the space provided therefor on the certificate of ownership or on a separate form the director of revenue prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of the lienholder's security agreement, and cause the certificate, application and the required fee to be delivered to the director of revenue; (2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119 shall deliver to the director of revenue a notice of lien as prescribed by the director accompanied by all other necessary documentation to perfect a lien as provided in section 301.600; (3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs, the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a completed notice of lien to the department of revenue, accompanied by authorization from the first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application for title at the time the application is made to the department of revenue. To perfect a lien for a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the owner's application for title, certificate, notice of lien, authorization from the first lienholder and title fee to the department of revenue. The delivery of the certificate and executing a notice of authorization to add a subordinate lien does not affect the rights of the first lienholder under the security agreement; (4) Upon receipt of the documents and fee required in subdivision (3) of this section, the director of revenue shall issue a new certificate of ownership containing the name and address of the new lienholder, and

shall mail the certificate as prescribed in section 301.610 or if a lienholder who has elected for the director of revenue to retain possession of an electronic certificate of ownership the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate. Upon receipt of such authorization, a notice of lien and required documents and title fee, if applicable, from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of ownership being electronically retained by the director and provide confirmation of the addition to both lienholders; (5) Failure of the owner to name the lienholder in the application for title, as provided in this section, is a class A misdemeanor. ---------- (L. 1965 p. 474 § 3, A.L. 1990 H.B. 1279, A.L. 1992 H.B. 884, A.L. 1999 H.B. 795, A.L. 2002 H.B. 2008 merged with S.B. 895) Effective 8-28-02 (H.B. 2008); 7-01-03 (S.B. 895)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.630 - Lien or encumbrance, assignment, procedure, effect of — perfection of assignment, how, fee — form for notice of electronic certificate.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.630. Lien or encumbrance, assignment, procedure, effect of — perfection of assignment, how, fee — form for notice of electronic certificate. —1. A lienholder may assign, absolutely or otherwise, his or her lien or encumbrance in the motor vehicle or trailer to a person other than the owner without affecting the interest of the owner or the validity or effect of the lien or encumbrance, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the lien or encumbrance and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate. 2. The assignee may, but need not, to perfect the assignment, have the certificate of ownership endorsed or issued with the assignee named as lienholder, upon delivering to the director of revenue the certificate and an assignment by the lienholder named in the certificate in the form the director of revenue prescribes the application and the required fee. 3. If the certificate of ownership is being electronically retained by the director of revenue, the original lienholder may mail or deliver a notice of assignment of a lien to the director in a form prescribed by the director. Upon receipt of notice of assignment the director shall update the electronic certificate of ownership to reflect the assignment of the lien and lienholder. ---------- (L. 1965 p. 474 § 4, A.L. 1990 H.B. 1279, A.L. 1992 H.B. 884, A.L. 1999 H.B. 795, A.L. 2002 H.B. 2008 and A.L. 2002 S.B. 895, A.L. 2011 H.B. 315)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.640 - Release of lienholders' rights upon satisfaction of lien or encumbrance, procedure — issuance of new certificate of ownership — certain liens deemed satisfied, when — penalty — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.640. Release of lienholders' rights upon satisfaction of lien or encumbrance, procedure — issuance of new certificate of ownership — certain liens deemed satisfied, when — penalty — rulemaking authority. —1. Within five business days after the satisfaction of any lien or encumbrance of a motor vehicle or trailer, the lienholder shall release the lien or encumbrance on the certificate, on a separate document, or electronically under section 32.096 and any rules and regulations adopted thereunder, and mail or deliver the certificate or a separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, or when the lienholder receives payment in full electronically or by way of electronic funds transfer, whichever first occurs. 2. If the electronic certificate of ownership is in the possession of the director of revenue, the lienholder shall notify the director within five business days after any release of a lien and provide the director with the most current address of the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate or such documentation. The director shall note such release on the electronic certificate and if no other lien exists the director shall mail or deliver the certificate free of any lien to the owner or any person who has delivered to the lienholder an authorization from the owner to receive the certificate or such documentation from the director. 3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words "subject to future advances". 4. Any lienholder who fails to timely comply with subsection 1 or 2 of this section shall pay to the person or persons satisfying the lien or encumbrance liquidated damages up to a maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five hundred dollars if the lienholder does not comply within five business days after satisfaction of the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand dollars if the lienholder does not comply within fifteen business days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand five hundred dollars if the lienholder does not comply within twenty business days after satisfaction of the lien or encumbrance. If delivery of the certificate or other lien

release is made by mail, the delivery date is the date of the postmark for purposes of this subsection. In computing any period of time prescribed or allowed by this section, the day of the act or event after which the designated period of time begins to run is not to be counted. However, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. 5. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class D felony. ---------- (L. 1965 p. 474 § 5, A.L. 1990 H.B. 1279 merged with S.B. 495, A.L. 1992 H.B. 884, A.L. 1998 S.B. 852 & 913, A.L. 1999 H.B. 795, A.L. 2002 H.B. 2008 merged with S.B. 895, A.L. 2007 S.B. 82, A.L. 2014 S.B. 491, A.L. 2015 H.B. 524) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.642 - Purchase of motor vehicles and trailers through claims adjustment process by insurers, procedure, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.642. Purchase of motor vehicles and trailers through claims adjustment process by insurers, procedure, requirements. —Any insurer which purchases a motor vehicle or trailer through the claims adjustment process for which there is a valid lien or encumbrance perfected under sections 301.600 to 301.640 may, as an alternative to obtaining a lien release under section 301.640, apply for a salvage certificate of title or junking certificate on such motor vehicle or trailer by following the procedures in this section. The insurer may request a letter of guarantee from the lienholder containing a description of the motor vehicle or trailer, including the vehicle identification number, and indicating the amount payable by the insurer to the lienholder in order to release the lien. Upon receipt from the lienholder of such letter of guarantee, the insurer may, within ten days of such receipt, remit payment to the lienholder in accordance with the letter of guarantee and, if such payment satisfies the lien amount indicated in the letter of guarantee to release the lien, the lienholder shall provide proof of satisfaction to the insurer. This procedure shall be followed for each lienholder indicated on the certificate of ownership for the motor vehicle or trailer. Such letter of guarantee and corresponding proof of payment need not be notarized and may be immediately transmitted electronically. The insurer may then submit proof of such payments, a copy of each letter of guarantee, and the title for such motor vehicle or trailer to the department of revenue. The department shall accept such documents in lieu of a lien release and process the insurer's application. ---------- (L. 2013 H.B. 428 merged with S.B. 148)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.644 - Electronic signature permitted, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.644. Electronic signature permitted, when. —1. In cases where an insurance company has paid or is paying a total loss claim on a motor vehicle or trailer, the registered owner or owners of a motor vehicle or trailer may use an electronic signature in a similar form as that prescribed in sections 432.200 to 432.295 on a limited power of attorney, affidavit, or other documents to authorize the insurance company to assign ownership of such motor vehicle or trailer. A power of attorney, affidavit, or other similar document executed with an electronic signature for the authority to execute the assignment of a certificate of ownership by an insurance company under the authority of this section shall not require notarization. 2. The director of the department of revenue may promulgate rules and regulations to implement and administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void. ---------- (L. 2015 S.B. 456)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.650 - Scope of law — method of perfecting liens or encumbrances is exclusive.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.650. Scope of law — method of perfecting liens or encumbrances is exclusive. —1. Sections 301.600 to 301.660 do not apply to or affect: (1) A lien given by statute or rule of law to a supplier of services or materials for the motor vehicle or trailer; (2) A lien given by statute to the United States, this state or any political subdivision of this state; (3) A lien or encumbrance on a motor vehicle or trailer created by a manufacturer or dealer who holds the motor vehicle or trailer for sale; (4) A lien or encumbrance on any manufactured home, as defined in section 700.010; (5) A lien for delinquent child support or spousal support given by section 454.516. 2. The method provided in sections 301.600 to 301.660 of perfecting and giving notice of liens or encumbrances subject to sections 301.600 to 301.660 is exclusive. ---------- (L. 1965 p. 474 § 6, A.L. 1985 S.B. 152, A.L. 1986 H.B. 1479)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.660 - Law not to affect existing rights, duties and interests.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.660. Law not to affect existing rights, duties and interests. —All transactions involving liens or encumbrances on motor vehicles or trailers entered into before July 1, 2003, and

the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by sections 301.600 to 301.660 as though the repeal or amendment had not occurred. ---------- (L. 1965 p. 474 § 7, A.L. 1990 H.B. 1279, A.L. 2002 H.B. 2008 merged with S.B. 895) Effective 8-28-02 (H.B. 2008); 7-01-03 (S.B. 895)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.675 - Certificate of ownership for motor vehicles or trailers in names of two or more persons, presumptions — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.675. Certificate of ownership for motor vehicles or trailers in names of two or more persons, presumptions — exceptions. —When the director of revenue issues a certificate of ownership for a motor vehicle or trailer in the names of two or more persons, it shall be presumed that ownership of the motor vehicle or trailer is held by the persons shown on the certificate as joint tenants with right of survivorship or as tenants by the entirety if the owners are husband and wife, unless at the time the application for a certificate of ownership is filed with the director of revenue, the application states that ownership of the motor vehicle or trailer is held as tenants in common. ---------- (L. 1987 H.B. 605 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.677 - Certificate of ownership in one person's name may be surrendered — new certificate issued for one or more other persons — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.677. Certificate of ownership in one person's name may be surrendered — new certificate issued for one or more other persons — fee. —A certificate of ownership for a motor vehicle or trailer issued in the name of only one person, on application of that person and payment of the fee required for an original certificate of ownership, may be surrendered to and a new certificate issued by the director of revenue in the name of that person and one or more other persons; and the current valid certificate of number shall be so transferred into the names of the owners shown on the new certificate. ---------- (L. 1987 H.B. 605 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.679 - Certificate of ownership, two or more persons, not held as tenants in common, death of one tenant, transfer to surviving owners, procedure, fee — tenants in common, death of one tenant, procedure to transfer, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.679. Certificate of ownership, two or more persons, not held as tenants in common, death of one tenant, transfer to surviving owners, procedure, fee — tenants in common, death of one tenant, procedure to transfer, fee. —1. A certificate of ownership for a motor vehicle or trailer issued in the names of two or more persons that does not show on the face of the certificate that the persons hold their interest in the motor vehicle or trailer as tenants in common, on death of one of the named persons, may be transferred to the surviving owner or owners. On proof of death of one of the persons in whose names the certificate was issued, surrender of the outstanding certificate of ownership, and on application and payment of the fee for an original certificate of ownership, the director of revenue shall issue a new certificate of ownership for the motor vehicle or trailer to the surviving owner or owners; and the current valid certificate of number shall be so transferred. 2. A certificate of ownership for a motor vehicle or trailer, issued in the names of two or more persons that shows on its face that the persons hold their interest in the motor vehicle or trailer as tenants in common, on death of one of the named persons, may be transferred by the director of revenue on application by the surviving owners and the personal representative or successors of the deceased owner. Upon being presented proof of death of one of the persons in whose names the certificate of ownership was issued, surrender of the outstanding certificate of ownership, and on application and payment of the fee for an original certificate of ownership, the director of revenue shall issue a new certificate of ownership for the motor vehicle or trailer to the surviving owners and personal representative or successors of the deceased owner; and the current valid certificate of number shall be so transferred. ---------- (L. 1987 H.B. 605 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.681 - Certificate of ownership in beneficiary form — multiple beneficiaries allowed — reassignment permitted — procedure to issue, content, fee — consent not required for transactions, revocation — interest subject to certain claims — transfer not deemed testamentary.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.681. Certificate of ownership in beneficiary form — multiple beneficiaries allowed — reassignment permitted — procedure to issue, content, fee — consent not required for transactions, revocation — interest subject to certain claims — transfer not deemed testamentary. —1. A sole owner of a motor vehicle or trailer, and multiple owners of a motor vehicle or trailer who hold their interest as joint tenants with right of survivorship or as tenants by the entirety, on application and payment of the fee required for an original certificate of ownership, may request the director of revenue to issue a certificate of ownership for the motor vehicle or trailer in beneficiary form which includes a directive to the director of revenue to transfer the certificate of ownership on death of the sole owner or on death of all multiple owners to one

beneficiary or to two or more beneficiaries as joint tenants with right of survivorship or as tenants by the entirety named on the face of the certificate. The directive to the director of revenue also shall permit the beneficiary or beneficiaries to make one reassignment of the original certificate of ownership upon the death of the owner to another owner without transferring the certificate to the beneficiary or beneficiaries' name. 2. A certificate of ownership in beneficiary form may not be issued to persons who hold their interest in a motor vehicle or trailer as tenants in common. 3. A certificate of ownership issued in beneficiary form shall include after the name of the owner, or after the names of multiple owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary or beneficiaries. 4. (1) During the lifetime of a sole owner or prior to the death of the last surviving multiple owner, the signature or consent of the beneficiary or beneficiaries shall not be required for any transaction relating to the motor vehicle or trailer for which a certificate of ownership in beneficiary form has been issued. (2) A certificate of ownership in beneficiary form may be revoked or the beneficiary or beneficiaries changed at any time before the death of a sole owner or the last surviving multiple owner only by the following methods: (a) By a sale of the motor vehicle or trailer with proper assignment and delivery of the certificate of ownership to another person; or (b) By filing an application to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary or beneficiaries with the director of revenue in proper form and accompanied by the payment of the fee for an original certificate of ownership. (3) The beneficiary's or beneficiaries' interest in the motor vehicle or trailer at death of the owner or surviving owner shall be subject to any contract of sale, assignment of ownership or security interest to which the owner or owners of the motor vehicle or trailer were subject during their lifetime. (4) The designation of a beneficiary or beneficiaries in a certificate of ownership issued in beneficiary form may not be changed or revoked by a will, any other instrument, or a change in circumstances, or otherwise be changed or revoked except as provided by subdivision (2) of this subsection. 5. (1) On proof of death of one of the owners of two or more multiple owners, or of a sole owner, surrender of the outstanding certificate of ownership, and on application and payment of the fee for an original certificate of ownership, the director of revenue shall issue a new certificate of ownership for the motor vehicle or trailer to the surviving owner or owners or, if none, to the surviving beneficiary or beneficiaries, subject to any outstanding security interest; and the current valid certificate of number shall be so transferred. If the surviving beneficiary or beneficiaries make a request of the director of revenue, the director may allow the beneficiary or beneficiaries to make one assignment of title. (2) The director of revenue may rely on a death certificate or record or report that constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section 472.290. (3) The transfer of a motor vehicle or trailer at death pursuant to this section is effective by reason of sections 301.675 to 301.682 and sections 306.455 to 306.465 and is not to be considered as testamentary, or to be subject to the requirements of section 473.087 or section 474.320. ---------- (L. 1987 H.B. 605 § 4, A.L. 1993 H.B. 509, A.L. 2004 H.B. 1511 merged with S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.682 - Death of owner and no surviving owner or beneficiary, director of revenue may transfer and issue new certificate, when, procedure to obtain.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.682. Death of owner and no surviving owner or beneficiary, director of revenue may transfer and issue new certificate, when, procedure to obtain. —If an owner dies and no surviving owner or surviving beneficiary exists, on proof of death of all persons shown on the certificate of ownership, surrender of the outstanding certificate of ownership, and on application and payment of the fee for an original certificate of ownership, the director of revenue may rely on, transfer and issue a new certificate of ownership in accordance with one of the following: (1) A certified copy of a court order approving the transfer, refusing to issue letters of administration, terminating administration or authorizing distribution of the deceased owner's estate; (2) A small estate affidavit with the certificate of the clerk of the probate division of the circuit court as provided in section 473.097; (3) A verified application of the owner's surviving spouse or, if none, the owner's unmarried minor children or someone acting in their behalf, that claims the property as exempt property of the deceased under section 474.250; or (4) A notarized application for transfer from a personal representative of the deceased owner accompanied by a copy of the personal representative's letters of administration or letters testamentary together with a court order approving the transfer or a statement that the personal representative has authority under section 473.457 or subdivision (16) of section 473.810 to make the transfer without court order. ---------- (L. 1987 H.B. 605 § 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.684 - Transfers not subject to sales and use tax.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.684. Transfers not subject to sales and use tax. —Transfers authorized by sections 301.675 to 301.682 and sections 306.455 to 306.465 shall not be subject to any tax imposed under the provisions of chapter 144. ---------- (L. 1987 H.B. 605 § 12)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.700 - Titling, transfer of all-terrain vehicle, how — fees, deposited in general revenue fund.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.700. Titling, transfer of all-terrain vehicle, how — fees, deposited in general revenue fund. —All-terrain vehicles shall be treated in the same manner as motor vehicles, pursuant to this chapter, for the purposes of transfer, titling, perfection of liens and encumbrances, and the collection of all taxes,

fees and other charges. Funds collected by the department of revenue pursuant to sections 301.700 to 301.714 shall be deposited by the director in the state treasury to the credit of the general revenue fund. An applicant that purchases a used all-terrain vehicle after August 28, 2014, that was defined as a utility or recreational*off-highway vehicle prior to August 28, 2014, may present a notarized bill of sale as evidence of lawful ownership when a certificate of title has not been issued for such all-terrain vehicle. ---------- (L. 1988 H.B. 990 § 1, A.L. 2014 H.B. 1735 & 1618) *The word "recreation" appears in original rolls of H.B. 1735 & 1618.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.703 - Unlawful to operate without certificate of ownership, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.703. Unlawful to operate without certificate of ownership, when. —It shall be unlawful for any person to own an all-terrain vehicle in this state unless a certificate of ownership has been issued as herein provided. Application for a certificate of ownership shall be made within thirty days after the applicant acquires the all-terrain vehicle, or within one hundred twenty days after April 19, 1988, whichever is later. ---------- (L. 1988 H.B. 990 § 2) Effective 4-19-88

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.705 - Operation, where allowed — sovereign immunity, when — persons under sixteen may not operate without supervision, exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.705. Operation, where allowed — sovereign immunity, when — persons under sixteen may not operate without supervision, exception. —1. No person shall operate an all-terrain vehicle on private property without the consent of the owner of or lessor thereof. Any person operating an all-terrain vehicle upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representatives and, if requested to do so by the landowner, shall promptly remove the all-terrain vehicle from the premises. 2. The state may, in its discretion, determine whether or not a road or area shall be closed to vehicular traffic. Adequate notices of such designation and determination shall be displayed in such areas or by such roads. 3. Sections 537.600 to 537.650, establishing the doctrine of sovereign immunity for governmental entities, and exceptions thereto, shall apply to any death, personal injury or property damage caused in whole or in part, directly or indirectly, by activity involving the use of an all-terrain vehicle on lands in which any such governmental entity has an ownership, leasehold, or other possessory interest or an easement. 4. No person under the age of sixteen shall operate an all-terrain vehicle in this state unless such person is accompanied by and under the direct supervision of a parent or guardian or is accompanied by and under the direct supervision of an adult who is authorized by the operator's parent or guardian to supervise the operator. This subsection shall not apply on private property owned by the parent or guardian of such person operating the all-terrain vehicle. ---------- (L. 1988 H.B. 990 § 3) Effective 4-19-88

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.707 - Registration required, exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.707. Registration required, exceptions. —1. No person shall operate an all-terrain vehicle within the state unless the all-terrain vehicle has been registered with the department of revenue. 2. A registration is not required for the following: (1) All-terrain vehicles owned and operated by the United States, another state, or a political subdivision thereof; (2) All-terrain vehicles owned and operated by this state or by any municipality or political subdivision thereof; (3) All-terrain vehicles covered by a valid registration of another state or country that have not been within this state for more than thirty days. 3. No person under sixteen years of age shall be allowed to register an all-terrain vehicle. ---------- (L. 1988 H.B. 990 § 5) Effective 1-01-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.709 - Application, contents.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.709. Application, contents. —Application for registration shall be made to the department of revenue on a form as the director shall prescribe, which shall contain a complete description of the all-terrain vehicle, including the manufacturer's identification number and the name and address of the owner of the all-terrain vehicle. ---------- (L. 1988 H.B. 990 § 6) Effective 1-01-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.711 - Decal issued, placement of decal — fees — duplicate decals — fees deposited in general revenue fund.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.711. Decal issued, placement of decal — fees — duplicate decals — fees deposited in general revenue fund. —1. Upon receipt of the application for registration and the appropriate fee, the department of revenue shall issue a decal showing the registration number and expiration date. The decal shall be displayed at all times and be affixed to the right front fork or frame of the all-terrain vehicle where it is clearly visible. 2. The fee for registration of an all-terrain vehicle shall be ten dollars. The registration of an all-terrain vehicle shall be valid for a period of three years. The penalty fee of five dollars shall be paid on all delinquent registrations at the time the owner makes application for

registration. 3. In the event of the loss, mutilation or destruction of any certificate of registration or decal issued by the director of revenue, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, and shall on the payment of seven dollars and fifty cents, obtain a duplicate of such certificate of registration or decal. 4. The director of revenue shall deposit all fees collected pursuant to sections 301.707 to 301.714 in the state treasury to the credit of the general revenue fund. ---------- (L. 1988 H.B. 990 § 7) Effective 1-01-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.714 - Transfer of all-terrain vehicle, new owner to register.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.714. Transfer of all-terrain vehicle, new owner to register. —Upon the transfer of ownership of any currently registered all-terrain vehicle, the certificate of registration and decal shall expire and it shall be unlawful for any person other than the person to whom such certificate of registration and decal were originally issued to have such certificate of registration or decal in his possession, unless such person has made application to the department of revenue in his name and paid the registration fee. ---------- (L. 1988 H.B. 990 § 8) Effective 1-01-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.716 - Special enforcement procedures.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.716. Special enforcement procedures. —1. Any violation of the provisions of sections 301.700 to 301.714 shall be an infraction. An arrest or service of summons for violations of the provisions of sections 301.700 to 301.714 and section 577.065*, or the provisions of this chapter, chapter 304 or 307, as such provisions relate to all-terrain vehicles may be made by the duly authorized law enforcement officer of any political subdivision of the state and**the highway patrol. 2. Violations of sections 301.700 to 301.714 and section 577.065*, or the provisions of this chapter, chapter 304 or 307, as such provisions relate to all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting attorney or circuit attorney who may, with or without such reference, institute appropriate proceedings. 3. Nothing in sections 301.700 to 301.714 and section 577.065*, or the provisions of this chapter, chapter 304 or 307, as such provisions relate to all-terrain vehicles limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law. ---------- (L. 1988 H.B. 990 § 9, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1868) *Section 577.065 was repealed by S.B. 491, 2014, effective 1-01-17. **Word "and" does not appear in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 301 - Registration and Licensing of Motor VehiclesSection 301.800 - Registration of solar-powered vehicle — application — license plate — fees — inspections, operation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 301 301.800. Registration of solar-powered vehicle — application — license plate — fees — inspections, operation. —1. Any motor vehicle assembled by a two- or four-year institution of higher education exclusively utilizing solar power and built to compete in a national competition organized to foster interest in solar energy shall be registered and titled by the director of revenue, other laws regulating licensing of motor vehicles to the contrary notwithstanding. 2. Such institution shall file an application in a form prescribed by the director, verified by affidavit, that such vehicle meets the requirements of subsection 1 of this section. 3. The plate issued by the director shall be the collegiate plate of the institution and shall display the term "solar" in a manner prescribed by the director. 4. The institution shall pay the applicable fees as determined by the director. 5. Such motor vehicle shall be exempt from the inspections required by section 307.350 and section 643.315 and shall only be operated on the streets and highways with the approval of the institution of higher education. ---------- (L. 1997 H.B. 773 § 1, A.L. 2006 S.B. 583) Effective 9-01-07

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.010 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.010. Definitions. —Except where otherwise provided, when used in this chapter, the following words and phrases mean: (1)"Circuit court", each circuit court in the state; (2)"Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers; (3)"Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed pursuant to section 302.302 is appealed, the term conviction means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation pursuant to section 302.304; (4)"Criminal history check", a search of criminal records, including criminal history record information as defined in section 43.500, maintained by the Missouri state highway patrol in the Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal history records, including, but not limited to, any record of conviction, plea of guilty or nolo contendre, or finding of guilty in any state for any offense related to alcohol, controlled substances, or drugs; (5)"Director", the director of revenue acting directly or through the director's authorized officers and agents; (6)"Farm tractor", every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry; (7)"Highway", any public thoroughfare for

vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality; (8)"Incompetent to drive a motor vehicle", a person who has become physically incapable of meeting the prescribed requirements of an examination for an operator's license, or who has been adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated; (9)"License", a license issued by a state to a person which authorizes a person to operate a motor vehicle; (10)"Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in section 307.180 and electric bicycles, as defined in section 301.010; (11)"Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles or electric bicycles as such terms are defined in section 301.010; (12)"Motortricycle", a motor vehicle operated on three wheels, including a motorcycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, but excluding an electric bicycle as defined in section 301.010; (13)"Moving violation", that character of traffic violation where at the time of violation the motor vehicle involved is in motion, except that the term does not include the driving of a motor vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to 304.240, inclusive, relating to sizes and weights of vehicles; (14)"Municipal court", every division of the circuit court having original jurisdiction to try persons for violations of city ordinances; (15)"Nonresident", every person who is not a resident of this state; (16)"Operator", every person who is in actual physical control of a motor vehicle upon a highway; (17)"Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of sections 302.010 to 302.540; (18)"Record"includes, but is not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, digitized images, deposited or filed with the department of revenue; (19)"Residence address","residence", or"resident address"shall be the location at which a person has been physically present, and that the person regards as home. A residence address is a person's true, fixed, principal, and permanent home, to which a person intends to return and remain, even though currently residing elsewhere; (20)"Restricted driving privilege", a sixty-day driving privilege issued by the director of revenue following a suspension of driving privileges for the limited purpose of driving in connection with the driver's business, occupation, employment, formal program of secondary, postsecondary or higher education, or for an alcohol education or treatment program or certified ignition interlock provider, or a ninety-day interlock restricted privilege issued by the director of revenue for the limited purpose of driving in connection with the driver's business, occupation, employment, seeking medical treatment for such driver or a dependent family member, attending school or other institution of higher education, attending alcohol- or drug-treatment programs, seeking the required services of a certified ignition interlock provider, fulfilling court obligations, including required appearances and probation and parole obligations, religious services, the care of a child or children, including scheduled visitation or custodial obligations pursuant to a court order, fueling requirements for any vehicle utilized, and seeking basic nutritional requirements; (21)"School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, that is designed for carrying more than ten passengers and that is used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term school bus shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is: (a) On a regularly scheduled route for the transportation of fare-paying passengers; or (b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events; (22)"School bus operator", an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term school bus operator shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator; (23)"Signature", any method determined by the director of revenue for the signing, subscribing or verifying of a record, report, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, application, driver's license or related document; (24)"Substance abuse traffic offender program", a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540; (25)"Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons. ---------- (RSMo 1939 § 8443, A. 1949 S.B. 1111, A.L. 1951 p. 678, A.L. 1955 p. 621, A.L. 1961 p. 487, A.L. 1978 H.B. 1634, A.L. 1980 H.B. 995 & 1051, A.L. 1983 S.B. 44 & 45, A.L. 1984 H.B. 1575 Revision, A.L. 1986 S.B. 707, A.L. 1987 S.B. 114 merged with H.B. 384 Revision, A.L. 1988 H.B. 990, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 H.B. 251, A.L. 1995 H.B. 717 merged with S.B. 24, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2002 H.B. 2062, A.L. 2007 S.B. 22, A.L. 2008 S.B. 930 & 947, A.L. 2012 H.B. 1402, A.L. 2015 S.B. 254, A.L. 2021 S.B. 176, A.L. 2022 S.B. 681 & 662) (1960) An alley in a city is a highway or public thoroughfare within the meaning of state traffic regulations. Timmons V. Kilpatrick (Mo.), 332 S.W.2d 918.

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.011 - Lawfully present defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.011. Lawfully present defined. —For the purposes of sections 302.130, 302.171, 302.177, 302.181, 302.720, and 302.735, United States citizens shall be considered "lawfully present" regardless of their physical location at any given time. ---------- (L. 2004 S.B. 1233, et al. § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.015 - License classification system, director to establish — categories.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.015. License classification system, director to establish — categories. —Notwithstanding the provisions of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), the director shall have the authority to establish a license classification system, and shall not be limited to classification of the following: (1) Any person, other than one subject to sections 302.700 to 302.780, who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such services in wages, salary, commission or fare; or who as an owner or employee operates a motor vehicle carrying passengers or property for hire; or who regularly operates a commercial motor vehicle of another person in the course of or as an incident to his or her employment, but whose principal occupation is not the operating of such motor vehicle, except that a school bus operator who obtains a school bus permit as provided in section 302.272 shall not be considered in this class; (2) Any person, other than such person defined in subdivision (1) of this section who is in actual physical control of a motor vehicle; (3) Any person, other than such person defined in subdivisions (1) and (2) of this section who is in actual physical control of a motorcycle or motortricycle. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.020 - Operation of motor vehicle without proper license prohibited, penalty — motorcycles — special license — protective headgear, failure to wear, fine, amount — no points to be assessed.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.020. Operation of motor vehicle without proper license prohibited, penalty — motorcycles — special license — protective headgear, failure to wear, fine, amount — no points to be assessed. —1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to: (1) Operate any vehicle upon any highway in this state unless the person has a valid license; (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle; (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor; (4) Operate a motor vehicle with an instruction permit or license issued to another person. 2. Every person under twenty-six years of age who is operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion; except that, any person twenty-six years of age or older operating any motorcycle or motortricycle who has been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director. No political subdivision of this state shall impose a protective headgear requirement on the operator or passenger of a motorcycle or motortricycle. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. 3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. ---------- (RSMo 1939 § 8444, A.L. 1951 p. 678, A.L. 1967 p. 409, A.L. 1984 H.B. 1045, A.L. 1988 H.B. 990, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 1996 H.B. 1047, A.L. 1999 S.B. 19, A.L. 2011 H.B. 111, A.L. 2014 S.B. 491, A.L. 2020 H.B. 1963) (1969) This section is within the police power of the state and is not unconstitutional. State v. Darrah (Mo.), 446 S.W.2d 745. (1970) This section merely leaves details of implementation to director of revenue and is not an unconstitutional delegation of legislative powers and does not deprive motorcyclists of due process. State v. Cushmen (Mo.), 451 S.W.2d 17. (1970)

This section does not violate the fourteenth amendment to the U.S. Constitution. State v. Elliott (A.), 459 S.W.2d 526.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.025 - Driver training programs, instruction on traffic stops.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.025. Driver training programs, instruction on traffic stops. —All driver training programs offered within this state shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement. Such programs shall also present enrollees with the information provided by the department of revenue pursuant to section 302.176. As used in this section,"driver training programs"shall include private drivers' education programs and driver training programs taught by an instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education. ---------- (L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.026 - Motorcycle operators twenty-six years of age or older, no protective headgear required, when — proof of insurance coverage required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.026. Motorcycle operators twenty-six years of age or older, no protective headgear required, when — proof of insurance coverage required. —1. Any qualified motorcycle operator who is twenty-six years of age or older may operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear if he or she in addition to maintaining proof of financial responsibility in accordance with chapter 303, is covered by a health insurance policy or other form of insurance which will provide the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle or motortricycle. 2. Proof of coverage required by subsection 1 of this section shall be provided, upon request by authorized law enforcement, by showing a copy of the qualified operator's insurance card. 3. No person shall be stopped, inspected, or detained solely to determine compliance with this section. ---------- (L. 2020 H.B. 1963) CROSS REFERENCE: Motorcycle operators with instruction permit, protective headgear required, 302.020

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.041 - License by municipality not required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.041. License by municipality not required. —Any person licensed to operate a vehicle may exercise the privilege thereby granted upon all highways in this state and shall not be required by any municipality or other political subdivision having authority to adopt local police regulations to obtain any other license in order to exercise such privilege, except that this section shall not be construed as depriving municipalities of the right to license, tax and regulate taxicab drivers. ---------- (L. 1951 p. 678 § 302.040, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.051 - Government-owned vehicles, who may operate.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.051. Government-owned vehicles, who may operate. —Unless required by the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) or section 302.272, any person holding a valid license, other than one limited to the operation of a motorcycle or motortricycle, may operate for official use any motor vehicle owned by the United States, the state of Missouri, or any municipality or political subdivision of this state. ---------- (L. 1951 p. 678 § 302.050, A.L. 1955 p. 617, A.L. 1986 S.B. 707, A.L. 1987 S.B. 114 merged with H.B. 384 Revision, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.060 - License not to be issued to whom, exceptions — reinstatement requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.060. License not to be issued to whom, exceptions — reinstatement requirements. —1. The director shall not issue any license and shall immediately deny any driving privilege: (1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015; (2) To any person who is under the age of sixteen years, except as hereinafter provided; (3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked; (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs; (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity; (6) To any person who, when required by this law to take an examination, has failed to pass such examination; (7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as described in section 303.120, has been established; (8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent; (9) To any person who has been convicted more than twice of violating state law, or a county

or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time; (10) To any person who has been found guilty of acting with criminal negligence while driving while intoxicated to cause the death of another person, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.001, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540; (11) To any person who is otherwise disqualified pursuant to the provisions of this chapter, chapter 303, or section 544.046; (12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license. 2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have a photo identification technology feature, and a court may require a global positioning system feature for such device. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be suspended until proof as required by this section is filed with the director. 3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit fingerprints collected pursuant to standards as determined by the highway patrol. Fingerprints shall be used by the highway patrol to search the criminal history repository and the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court. ---------- (RSMo 1939 § 8446, A.L. 1951 p. 678, A.L. 1961 p. 487, A.L. 1982 S.B. 513, A.L. 1983 S.B. 44 & 45, A.L. 1984 H.B. 1575 Revision, A.L. 1987 S.B. 230, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 S.B. 125 & 341, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 1999 S.B. 19, A.L. 2005 S.B. 37, et al., A.L. 2008 S.B. 930 & 947, A.L. 2009 H.B. 62, A.L. 2012 H.B. 1402 merged with S.B. 480, A.L. 2013 S.B. 23, A.L. 2014 S.B. 491, A.L. 2015 S.B. 254, A.L. 2018 H.B. 1350) (1980) Two convictions for driving while intoxicated must have occurred within five-year period prior to application for license not to be issued. Breeze v. Goldberg (A.), 595 S.W.2d 381. (1984) A second conviction for driving while intoxicated must have occurred within a five-year period relative to the grant or denial of both a new application for a license and/or an application for limited driving privileges. Smith v. State (Mo.App.), 677 S.W.2d 920. (2010) Multiple convictions arising from a single incident cannot be considered one conviction under section. Akins v. Director of

Revenue, 303 S.W.3d 563 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.063 - No issuance of a driver's license to illegal aliens or persons who cannot prove lawful presence.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.063. No issuance of a driver's license to illegal aliens or persons who cannot prove lawful presence. —The department of revenue shall not issue any driver's license to an illegal alien nor to any person who cannot prove his or her lawful presence pursuant to the provisions of this chapter and the regulations promulgated thereunder. A driver's license issued to an illegal alien in another state shall not be honored by the state of Missouri and the department of revenue for any purpose. The state of Missouri hereby declares that granting driver's licenses to illegal aliens is repugnant to the public policy of Missouri and therefore Missouri shall not extend full faith and credit to out-of-state driver's licenses issued to illegal aliens. As used in this section, the term"illegal alien"shall mean an alien who is not lawfully present in the United States, according to the terms of 8 U.S.C. Section 1101, et seq. ---------- (L. 2008 H.B. 1549, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.067 - Lawful presence or citizenship, proof of to be presented once — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.067. Lawful presence or citizenship, proof of to be presented once — exceptions. —Any original or certified copy, if applicable, of a document presented by an applicant under this chapter and its accompanying regulations as proof of lawful presence or citizenship to the department of revenue to apply for a driver's license, nondriver's license or instruction permit shall not be required to be presented by the applicant for any subsequent new, renewal, or duplicate application, except: (1) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States, may be required to be presented upon each subsequent application; (2) The department may require the documents to be presented if it is reasonably believed by the department that the prior driver's license or nondriver's license was issued as a result of a fraudulent act of the applicant; (3) Applicants applying for or renewing a commercial driver's license or commercial driver's instruction permit; or (4) The department may require an applicant to present such documents demonstrating lawful presence or citizenship specified in this section in order to correct any known or presumed error on the driver's license, nondriver's license, or instruction permit. ---------- (L. 2014 H.B. 1231)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.080 - Exemptions from license law.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.080. Exemptions from license law. —The following persons are exempt from license hereunder: (1) Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway; (2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid license issued to him in his home state or country; (3) A nonresident who is at least eighteen years of age and who has in his immediate possession a valid license issued to him in his home state or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in section 302.015; (4) Convicted offenders of the department of corrections who have not been convicted of a motor vehicle felony as follows driving while intoxicated, failing to stop after an accident and disclosing his or her identity, or driving a motor vehicle without the owner's consent may operate state-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a correctional officer or other staff person in such truck. ---------- (RSMo 1939 § 8445, A.L. 1943 p. 662, A.L. 1965 p. 477, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1990 H.B. 974)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.110 - List of licensed drivers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.110. List of licensed drivers. —The director of revenue shall keep a list of all persons who have been licensed to drive a motor vehicle, under sections 302.010 to 302.780, which shall, among other things, contain the date of issue of such license, a description of the licensee and giving his address. ---------- (RSMo 1939 § 8454, A.L. 1961 p. 487, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.120 - Applications for license, accident reports and court convictions to be filed, how.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.120. Applications for license, accident reports and court convictions to be filed, how. —1. The director of revenue shall file every application for a license received by him and shall maintain suitable indices containing, in alphabetical order: (1) All applications denied and on each thereof note the reasons for such denial; (2) All applications granted; and (3) The name of every licensee whose license has been suspended, revoked or disqualified by the director of revenue and after each such name note the reasons for such action. 2. The director of revenue shall also file all accident reports and abstracts of court records of convictions, as defined in sections 302.010 and 302.700, received by

him under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the director upon any application for renewal of license and at other suitable times. ---------- (RSMo 1939 § 8456, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.130 - Issuance of temporary instruction permit, when — requirements — duration — permit driver sticker or sign issued, when — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.130. Issuance of temporary instruction permit, when — requirements — duration — permit driver sticker or sign issued, when — rulemaking authority. —1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent, guardian, a person who is at least twenty-five years of age who has been licensed for a minimum of three years and has received written permission from the parent or legal guardian to escort or accompany the driver, a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program who has a valid driver's license. An applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning January 1, 2007, no permit shall be granted pursuant to this subsection unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in subsection 2 of this section, will provide a minimum of forty hours of behind-the-wheel driving instruction, including a minimum of ten hours of behind-the-wheel driving instruction that occurs during the nighttime hours falling between sunset and sunrise. The forty hours of behind-the-wheel driving instruction that is completed pursuant to this subsection may include any time that the holder of an instruction permit has spent operating a motor vehicle in a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or by a qualified instructor of a private drivers' education program. If the applicant for a permit is enrolled in a federal residential job training program, the instructor, as defined in subsection 5 of this section, is authorized to sign the application stating that the applicant will receive the behind-the-wheel driving instruction required by this section. 2. In the event the parent, grandparent or guardian of the person under sixteen years of age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on August 28, 1998, are exhausted. 3. The director, upon proper application on a form prescribed by the director, in his or her discretion, may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education even though the applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such permit in his or her immediate possession, to operate a motor vehicle on the highways, but only when a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education is occupying a seat beside the driver. 4. The director, in his or her discretion, may issue a temporary driver's permit to an applicant who is otherwise qualified for a license permitting the applicant to operate a motor vehicle while the director is completing the director's investigation and determination of all facts relative to such applicant's rights to receive a license. Such permit must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused. 5. In the event that the applicant for a temporary instruction permit described in subsection 1 of this section is a participant in a federal residential job training program, the permittee may operate a motor vehicle accompanied by a driver training instructor who holds a valid driver education endorsement issued by the department of elementary and secondary education and a valid driver's license. 6. A person at least fifteen years of age may operate a motor vehicle as part of a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program. 7. Beginning January 1, 2003, the director shall issue with every temporary instruction permit issued pursuant to

subsection 1 of this section a sticker or sign bearing the words "PERMIT DRIVER". The design and size of such sticker or sign shall be determined by the director by regulation. Every applicant issued a temporary instruction permit and sticker on or after January 1, 2003, may display or affix the sticker or sign on the rear window of the motor vehicle. Such sticker or sign may be displayed on the rear window of the motor vehicle whenever the holder of the instruction permit operates a motor vehicle during his or her temporary permit licensure period. 8. Beginning July 1, 2005, the director shall verify that an applicant for an instruction permit issued under this section is lawfully present in the United States before accepting the application. The director shall not issue an instruction permit for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any permit issued under this section. 9. The director may adopt rules and regulations necessary to carry out the provisions of this section. ---------- (RSMo 1939 § 8448, A.L. 1951 p. 678, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 H.B. 202 & 364, A.L. 1995 H.B. 155, A.L. 1997 H.B. 123, A.L. 1998 H.B. 1730, A.L. 1999 S.B. 19, A.L. 2001 H.B. 648, et al., A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2004 S.B. 1233, et al., A.L. 2006 S.B. 1001, et al., A.L. 2012 H.B. 1402)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.132 - Minimum age and requirements to apply for temporary motorcycle instruction permit, restrictions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.132. Minimum age and requirements to apply for temporary motorcycle instruction permit, restrictions. —1. Any person at least fifteen and one-half years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may apply, with the written consent of the parent or guardian of such person, for a temporary motorcycle instruction permit to operate a motorcycle or motortricycle. 2. The director shall issue a temporary motorcycle instruction permit under this section if the applicant has completed a motorcycle rider training course approved under sections 302.133 to 302.138 and is otherwise eligible for the temporary permit. 3. A person receiving a temporary motorcycle permit and having it in his immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of six months upon the highways of the state, and persons under the age of sixteen shall be subject to the following restrictions: (1) The motorcycle or motortricycle may not have an engine with a displacement of greater than two hundred fifty cubic centimeters; (2) The operator shall not travel at any time from a half-hour after sunset to a half-hour before sunrise; (3) The operator shall not carry any passengers; and (4) The operator shall not travel over fifty miles from the operator's home address. ---------- (L. 1995 H.B. 717)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.133 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.133. Definitions. —As used in sections 302.133 to 302.138, the following terms mean: (1)"Commission", the state highways and transportation commission; (2)"Department", the department of transportation; (3)"Director", the director of the department of transportation; (4)"Instructor", a licensed motorcycle operator who meets the standards established by the commission to teach the motorcycle rider training course; (5)"Motorcycle", a motorcycle or motortricycle as those terms are defined by section 301.010; (6)"Motorcycle rider training course", a motorcycle rider education curriculum and delivery system approved by the commission as meeting standards designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of a motorcycle. ---------- (L. 1995 H.B. 717, A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.134 - Motorcycle safety education program, commission to establish and set standards, program to include certain subjects — authority to adopt rules, procedure to adopt, suspend and revoke.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.134. Motorcycle safety education program, commission to establish and set standards, program to include certain subjects — authority to adopt rules, procedure to adopt, suspend and revoke. —1. The commission shall establish standards for and shall administer the motorcycle safety education program. The program shall include, but is not limited to, motorcycle rider training and instructor training courses. The commission may expand the program to include components relating to the effect of alcohol and drugs on motorcycle operation, public awareness of motorcycles on the highways, driver improvement for motorcyclists, motorcycle operator licensing improvement, program promotion, and other motorcycle safety efforts. 2. Standards adopted by the commission for the motorcycle safety education program, including standards for instructor qualification and standards for the motorcycle rider training and instructor training courses, shall, at a minimum, comply with the applicable standards of the Motorcycle Safety Foundation. 3. The commission shall promulgate rules and regulations necessary to administer the provisions of sections 302.133 to 302.138. 4. No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section. 5. Upon filing any proposed rule with the secretary of state, the commission shall concurrently submit such proposed rule to the committee,

which may hold hearings upon any proposed rule or portion thereof at any time. 6. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the commission may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved. 7. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds: (1) An absence of statutory authority for the proposed rule; (2) An emergency relating to public health, safety or welfare; (3) The proposed rule is in conflict with state law; (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based. 8. If the committee disapproves any rule or portion thereof, the commission shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion. 9. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee. 10. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to Section 8, Article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation. ---------- (L. 1995 H.B. 717, A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.135 - Private or public institutions may also conduct motorcycle training courses, tuition fee may be charged — certificate to be issued — sticker on driver's license as evidence of completed course.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.135. Private or public institutions may also conduct motorcycle training courses, tuition fee may be charged — certificate to be issued — sticker on driver's license as evidence of completed course. —1. The commission may enter into contracts with public or private institutions or organizations for technical assistance in conducting motorcycle rider training courses and instructor training courses if they are administered and taught in accordance with standards established by the commission. 2. The department or a contracting institution or organization conducting a course may charge a reasonable tuition fee as determined by the commission. 3. The director shall issue certificates of completion in the manner and form prescribed by the commission to persons who satisfactorily complete the requirements of the state-approved course. Completion of the course shall be indicated upon the person's driver's license. A sticker or other evidence of completion shall be issued for the license until the license is subsequently renewed. ---------- (L. 1995 H.B. 717, A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.137 - Motorcycle safety trust fund established, purpose — operators of motorcycles or motortricycles in violation of laws or ordinances to be assessed surcharge, collection, distribution.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.137. Motorcycle safety trust fund established, purpose — operators of motorcycles or motortricycles in violation of laws or ordinances to be assessed surcharge, collection, distribution. —1. There is hereby created in the state treasury for use by the commission a fund to be known as the "Motorcycle Safety Trust Fund". All judgments collected pursuant to this section, appropriations of the general assembly, federal grants, private donations and any other moneys designated for the motorcycle safety education program established pursuant to sections 302.133 to 302.138 shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the*, be received and expended by the commission of public safety for the purpose of funding the motorcycle safety education program established under sections 302.133 to 302.138. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the motorcycle safety trust fund at the end of any biennium shall not be transferred to the general revenue fund. 2. In all criminal cases, including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of one dollar. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. 3. Such surcharge shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid to the state treasury to the credit of the motorcycle safety trust fund established in this section. ---------- (L. 1995 H.B. 717, A.L. 1996 S.B. 869, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2014 H.B. 1299 Revision) *Words "department of public safety" were deleted in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.140 - Instruction permit, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.140. Instruction permit, fee. —1. Every application for an instruction permit shall be made upon a form furnished by the director, which application shall be certified by the applicant to be true and correct, and every such application shall be accompanied by a fee of one dollar. 2. In addition to the fee prescribed in subsection 1 of this section, applicants for a motorcycle instruction permit under section 302.132 shall pay a special

motorcycle safety education fee of two dollars and seventy-five cents. ---------- (RSMo 1939 § 8449, A.L. 1951 p. 678, A.L. 1984 H.B. 1045, A.L. 1986 H.B. 1153, A.L. 1995 H.B. 717)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.150 - Driving privilege of nonresident subject to suspension, revocation or disqualification — conviction records sent to other states.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.150. Driving privilege of nonresident subject to suspension, revocation or disqualification — conviction records sent to other states. —1. The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension, revocation or disqualification by the director of revenue in like manner and for like cause as a license issued hereunder may be suspended, revoked or disqualified. 2. The director of revenue is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident. ---------- (RSMo 1939 § 8457, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.160 - Assessment of points and suspension or revocation of license, notice of conviction outside Missouri.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.160. Assessment of points and suspension or revocation of license, notice of conviction outside Missouri. —When the director of revenue receives notice of a conviction in another state or from a federal court, which, if committed in this state, would result in the assessment of points, the director is authorized to assess the points and suspend or revoke the operating privilege when the accumulated points so require as provided in section 302.304. ---------- (RSMo 1939 § 8458, A.L. 1965 p. 477, A.L. 1982 S.B. 513, A.L. 1985 H.B. 288, et al., A.L. 1986 H.B. 1531, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 2000 H.B. 1797)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.169 - Selective Service System registration at time of application for driver's license, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.169. Selective Service System registration at time of application for driver's license, procedure. —1. Any male applicant who applies for a driver's license instruction permit or license or renewal of any such permit or license and who is at least eighteen years of age but less than twenty-six years of age shall also be allowed to register in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 U.S.C. App. Section 453, as amended. The application shall provide appropriate space for completion by the applicant to indicate his desire to register with the Selective Service. 2. If the applicant indicates his desire to register with the Selective Service by completing the appropriate section of the application as described in subsection 1 of this section, the department of revenue shall forward in an electronic format the necessary personal information of such applicants to the Selective Service system. The applicant's signature on the application and completion of the appropriate section of the application shall serve as an indication that the applicant is authorizing the department to forward to the Selective Service system the necessary information for such registration. The department shall notify the applicant at the time of application that the applicant's signature constitutes consent to registration with the Selective Service system, if the applicant is not already registered. 3. The provisions of this section shall become effective July 1, 2003. ---------- (L. 2002 H.B. 1265) Effective 7-01-03

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.170 - Federal REAL ID Act, compliance with — definitions — retention of documents — inapplicability, when — issuance of compliant licenses and ID cards, procedure — biometric data restrictions — privacy — violations, civil damages and criminal penalties — data retention.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.170. Federal REAL ID Act, compliance with — definitions — retention of documents — inapplicability, when — issuance of compliant licenses and ID cards, procedure — biometric data restrictions — privacy — violations, civil damages and criminal penalties — data retention. —1. As used in this section, the following terms shall mean: (1)"Biometric data"shall include, but not be limited to, the following: (a) Voice data used for comparing live speech with a previously created speech model of a person's voice; (b) Iris recognition data containing color or texture patterns or codes; (c) Retinal scans, reading through the pupil to measure blood vessels lining the retina; (d) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics; (e) Characteristic gait or walk; (f) DNA; (g) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices; (2)"Commercial purposes"shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act; (3)"Source documents", original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department

of revenue under the provisions of this chapter or accompanying regulations. 2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. 3. The provisions of this section shall not apply to: (1) Original application forms, which may be retained but not scanned except as provided in this section; (2) Test score documents issued by state highway patrol driver examiners and Missouri commercial third-party tester examiners; (3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States; (4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit; (5) Documents submitted by a commercial driver's license or commercial driver's instruction permit applicant who is a Missouri resident and is a qualified current or former military service member which allow for waiver of the commercial driver's license knowledge test, skills test, or both; and (6) Any other document at the request of and for the convenience of the applicant. 4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law. (2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not compliant with REAL ID. The department shall inform all applicants: (a) With regard to the REAL ID compliant driver's license or identification card: a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities; b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for digital retention by the federal REAL ID Act of 2005, as amended; c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act; (b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act: a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities; b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant; c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card. 5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses or for the use of software for purposes of combating fraud, or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards. 6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license. 7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section. 8. Other than to process a request by a license or card holder or applicant, no person shall knowingly access,

distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony. 9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants. 10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void. 11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be digitally retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable. 12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual. 13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof. 14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act. ---------- (L. 2017 H.B. 151, A.L. 2018 S.B. 881, A.L. 2019 S.B. 89 merged with S.B. 368, A.L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.171 - Application for license — form — content — educational materials to be provided to applicants under twenty-one — voluntary contribution to certain programs and fund — denial of driving privilege, when — exemption from requirement to provide proof of residency — one-year renewal, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.171. Application for license — form — content — educational materials to be provided to applicants under twenty-one — voluntary contribution to certain programs and fund — denial of driving privilege, when — exemption from requirement to provide proof of residency — one-year renewal, requirements. —1. The director shall verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with a lawful immigration status, and a Missouri resident before accepting the application. The director shall not issue a driver's license for a period that exceeds the duration of an applicant's lawful immigration status in the United States. The director may establish procedures to verify the Missouri residency or United States naturalization or lawful immigration status and Missouri residency of the applicant and establish the duration of any driver's license issued under this section. An application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one or more dollar donation to promote an organ donation program as prescribed in subsection 2 of this section, to promote a blindness education, screening and treatment program as prescribed in subsection 3 of this section, or the Missouri medal of honor recipients fund prescribed in subsection 4 of this section. A driver's license, nondriver's license, or instruction permit issued under this chapter shall contain the applicant's legal name as it appears on a birth certificate or as legally changed through marriage or court order. No name change by common usage based on common law shall be permitted. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated

therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed with the United States Armed Forces, an application under this subsection shall be considered satisfactory by the department of revenue if it is signed by a person who holds general power of attorney executed by the person deployed, provided the applicant meets all other requirements set by the director. 2. An applicant for a license may make a donation of an amount not less than one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304 except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ and tissue donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one or more dollar donation prescribed in this subsection and whether the applicant is interested in inclusion in the organ donor registry and shall also specifically inform the licensee of the ability to consent to organ donation by placing a donor symbol sticker authorized and issued by the department of health and senior services on the back of his or her driver's license or identification card as prescribed by subdivision (1) of subsection 1 of section 194.225. A symbol may be placed on the front of the license or identification card indicating the applicant's desire to be listed in the registry at the applicant's request at the time of his or her application for a driver's license or identification card, or the applicant may instead request an organ donor sticker from the department of health and senior services by application on the department of health and senior services' website. Upon receipt of an organ donor sticker sent by the department of health and senior services, the applicant shall place the sticker on the back of his or her driver's license or identification card to indicate that he or she has made an anatomical gift. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in registry participation, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304. 3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 209.015. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 209.015; except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection. 4. An applicant for registration may make a donation of one dollar to the Missouri medal of honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri medal of honor recipients fund as established in section 226.925. Moneys in the medal of honor recipients fund shall be used solely for the purposes established in section 226.925, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection. 5. Beginning July 1, 2005, the director shall deny the driving privilege of any person who commits fraud or deception during the examination process or who makes application for an instruction permit, driver's license, or nondriver's license which contains or is substantiated with false or fraudulent information or documentation, or who knowingly conceals a material fact or otherwise commits a fraud in any such application. The period of denial shall be one year from the effective date of the denial notice sent by the director. The denial shall become effective ten days after the date the denial notice is mailed to the person. The notice shall be mailed to the person at the last known address shown on the person's driving record. The notice shall be deemed received three days after mailing unless returned by the postal authorities. No such individual shall reapply for a driver's examination, instruction permit, driver's license, or nondriver's license until the period of denial is completed. No individual who is denied the driving privilege under this section shall be eligible for a limited driving privilege issued under section 302.309. 6. All appeals of denials under this section shall be made as required by section 302.311. 7. The period of limitation for criminal prosecution under this section shall be extended under subdivision (1) of subsection 3 of section 556.036. 8. The director may promulgate rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536. 9. Notwithstanding any provision of this chapter that requires an applicant to provide proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who was previously issued a Missouri noncommercial driver's license, noncommercial instruction permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency. 10. Notwithstanding any provision of this chapter, for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's

United States birth certificate along with another form of identification approved by the department of revenue, including, but not limited to, United States military identification or United States military discharge papers, shall constitute sufficient proof of Missouri citizenship. 11. Notwithstanding any other provision of this chapter, if an applicant does not meet the requirements of subsection 9 of this section and does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status, the department may issue a one-year driver's license renewal. This one-time renewal shall only be issued to an applicant who previously has held a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and who does not have the required documents to prove Missouri residency, United States naturalization, or lawful immigration status. After the expiration of the one-year period, no further renewal shall be provided without the applicant producing proof of Missouri residency, United States naturalization, or lawful immigration status. ---------- (L. 1951 p. 678 § 302.170, A.L. 1955 p. 621, A.L. 1984 H.B. 1611 Revision, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 H.B. 202 & 364, A.L. 1995 H.B. 178, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 1997 H.B. 783, A.L. 1999 S.B. 19, A.L. 2000 S.B. 721, A.L. 2003 S.B. 356, A.L. 2004 S.B. 1233, et al., A.L. 2006 S.B. 1001, et al., A.L. 2007 S.B. 82, A.L. 2008 S.B. 1139, A.L. 2009 H.B. 361, A.L. 2014 H.B. 1299 Revision, A.L. 2019 S.B. 368, A.L. 2021 S.B. 258, A.L. 2022 H.B. 2331 merged with S.B. 710) CROSS REFERENCE: Missouri medal of honor recipients fund created, use of moneys, 226.925

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.172 - Exchange of drivers' licenses, foreign countries, reciprocal agreements, content.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.172. Exchange of drivers' licenses, foreign countries, reciprocal agreements, content. —1. The director of revenue is hereby authorized to negotiate and enter into reciprocal agreements or arrangements with foreign countries in order to facilitate the exchange of drivers' licenses. 2. Such agreements or arrangements shall authorize the department of revenue to allow individuals who possess drivers' licenses from foreign countries to obtain a Missouri drivers' license without requiring such persons to complete the examination as provided in section 302.173 other than a vision test and a test of the applicant's ability to understand highway signs regulating, warning or directing traffic. ---------- (L. 2001 S.B. 406)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.173 - Driver's examination required, when — exceptions — procedure — military motorcycle rider training, no further driving test required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.173. Driver's examination required, when — exceptions — procedure — military motorcycle rider training, no further driving test required. —1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state, another state, or a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the Armed Forces, their adult dependents or any active member of the Peace Corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the Armed Forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a license from a state which has requirements for issuance of a license comparable to the Missouri requirements or a license from a country which has a reciprocal agreement with the state of Missouri regarding the exchange of licenses pursuant to section 302.172 and such license has not expired more than six months prior to the date of application for the Missouri license, the director may waive the test of the applicant's practical knowledge of the traffic laws of this state, and the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's

expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state. 2. Beginning July 1, 2005, when the examiner has reasonable grounds to believe that an individual has committed fraud or deception during the examination process, the license examiner shall immediately forward to the director all information relevant to any fraud or deception, including, but not limited to, a statement of the examiner's grounds for belief that the person committed or attempted to commit fraud or deception in the written, skills, or vision examination. 3. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice. 4. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.137 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further practical knowledge or driving test shall be required to obtain a motorcycle or motortricycle license or endorsement. The motorcycle rider training course completion shall be accepted for purposes of motorcycle license or endorsement issuance for one year from the date of course completion. 5. Notwithstanding the requirements of subsections 1 and 3 of this section, the successful completion of a military motorcycle rider training course that meets or exceeds the Motorcycle Safety Foundation curriculum standards by an applicant who is an active member of the United States Armed Forces, shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further practical knowledge or driving test shall be required to obtain a motorcycle or motortricycle license or endorsement. The military motorcycle rider training course completion shall be accepted for purposes of motorcycle license or endorsement issuance for one year from the date of course completion. The director of revenue is authorized to promulgate rules and regulations for the administration and implementation of this subsection including rules governing the presentment of motorcycle training course completion cards from a military motorcycle rider training course or other documentation showing that the applicant has successfully completed a course in basic motorcycle safety instruction that meets or exceeds curriculum standards established by the Motorcycle Safety Foundation or other national organization whose purpose is to improve the safety of motorcyclists on the nation's streets and highways. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. ---------- (L. 1951 p. 678, A.L. 1965 p. 479, A.L. 1971 H.B. 264, A.L. 1983 H.B. 723, A.L. 1987 S.B. 283, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 1999 S.B. 19, A.L. 2001 S.B. 244 merged with S.B. 406, A.L. 2004 S.B. 1233, et al., A.L. 2012 S.B. 719, A.L. 2018 S.B. 881)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.174 - Deaf or hard of hearing, driver's license special notation, definitions — ASL informational video — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.174. Deaf or hard of hearing, driver's license special notation, definitions — ASL informational video — rulemaking authority. —1. As used in this section, the following terms mean: (1)"Deaf person", any person who, because of hearing loss, is not able to discriminate speech when spoken in a normal conversation tone regardless of the use of amplification devices; (2)"DHH", a notation on a driver's license that indicates the person is a deaf or hard of hearing person who uses alternative communication; (3)"Hard of hearing person", any person who, because of hearing loss, has a diminished capacity to discriminate speech when spoken in a normal conversational tone. 2. Any resident of this state who is a deaf or hard of hearing person may apply to the department of revenue to have the notation "DHH" placed on the person's driver's license. The department of revenue, by rule, may establish the cost and criteria for placement of the DHH notation, such as requiring an applicant to submit certain medical proof of deafness or hearing loss. The department may also, by rule, elect to use the phrase "deaf or hard of hearing" in lieu of the notation DHH on a driver's license. 3. The Missouri commission for the deaf and hard of hearing shall make an informational video in American Sign Language explaining what a DHH notation means on a driver's license and informing Missourians of their right to receive a license with the DHH notation under this section. This video shall also be captioned in English and converted to QR-Code which shall be posted in a conspicuous place at every driver's license office in Missouri. 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. ---------- (L. 2001 S.B. 275, A.L. 2018 S.B. 814)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.175 - Vision requirements — examination — license may be issued with conditions, limitations, restrictions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.175. Vision requirements — examination — license may be issued with conditions, limitations, restrictions. —1. The director shall not issue or renew a license to any applicant whose vision is not twenty-forty or better with either eye according to the test for vision provided in this section. Any person whose naked vision is less than twenty-forty with either or both eyes but whose vision in one eye has been corrected to twenty-forty or better by the use of corrective lenses may be issued a conditional license, conditioned that the person may operate a motor vehicle only when wearing corrective lenses which will correct his vision to meet the requirements of this section, which condition shall be noted on the license of the person and it is unlawful for the person to operate a motor vehicle upon any public highway of this state unless he is at the time complying with the condition. If a person whose naked vision is less than twenty-forty is unable to accomplish the correction of this condition by corrective lenses and produces a statement from a registered optometrist or physician to that effect, the director may conduct an examination to determine the person's ability to operate a motor vehicle upon the public highways of this state with safety in spite of his infirmity. If the director is satisfied that the person can operate a motor vehicle upon the public highways of this state with safety in spite of his vision infirmity, the director may issue him a license containing the conditions, limitations and restrictions as to points of operation and time of operation, or any other conditions, limitations or restrictions that the director deems advisable. 2. The vision examination shall be conducted with the use of the "Snellan Vision Chart" or other vision determining device of the same standard by any person to whom the director has delegated the duties without cost to the applicant, or, at the applicant's discretion, by a registered optometrist or physician at the applicant's expense and shall further include peripheral screening in accordance with standards presented by the director. All vision tests shall be made with not less than thirty foot candle illumination. ---------- (L. 1965 p. 479, A.L. 1987 S.B. 283, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.176 - First-time licenses, information to receive — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.176. First-time licenses, information to receive — rulemaking authority. —1. Upon successful completion of the requirements of this chapter to obtain a driver's license, all first-time licensees in this state shall receive information from the department of revenue relating to: (1) The dangers of operating a motor vehicle while in an intoxicated or drugged condition; (2) Law enforcement procedures for traffic stops, the proper actions to be taken during a traffic stop, and appropriate interactions with law enforcement; and (3) A description of drivers' and passengers' constitutional and other legal rights as they relate to a traffic stop, including but not limited to, searches and seizures, the right to remain silent, and the right to an attorney. 2. The director of revenue shall, in consultation with the superintendent of the Missouri state highway patrol and attorney general of this state, promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void. ---------- (L. 2002 S.B. 1109, A.L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.177 - Licenses, issuance and renewal, duration, fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.177. Licenses, issuance and renewal, duration, fees. —1. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license. 2. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license. A license issued under this section to an applicant who is over the age of sixty-nine and contains a school bus endorsement shall not be issued for a period that exceeds

one year. 3. To all other applicants for a license or renewal of a license who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license. 4. To all other applicants for a license or renewal of a license who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, cancelled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license. 5. The fee for a license issued for a period which exceeds three years under subsection 1 of this section shall be thirty dollars. 6. The fee for a license issued for a period of three years or less under subsection 2 of this section shall be fifteen dollars, except that the fee for a license issued for one year or less which contains a school bus endorsement shall be five dollars, except renewal fees shall be waived for applicants seventy years of age or older seeking school bus endorsements. 7. The fee for a license issued for a period which exceeds three years under subsection 3 of this section shall be fifteen dollars. 8. The fee for a license issued for a period of three years or less under subsection 4 of this section shall be seven dollars and fifty cents. 9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section. 10. The director of revenue may adopt any rules and regulations necessary to carry out the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 1951 p. 678, A.L. 1955 p. 621, A.L. 1965 p. 479, A.L. 1971 H.B. 365, A.L. 1984 H.B. 1045, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1999 S.B. 19, A.L. 2001 S.B. 436, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2008 S.B. 930 & 947)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.178 - Intermediate driver's license, issued to whom, requirements, limitations, fee, duration, point assessment — penalty, application for full driving privileges, requirements — exceptions — penalty — rulemaking authority, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.178. Intermediate driver's license, issued to whom, requirements, limitations, fee, duration, point assessment — penalty, application for full driving privileges, requirements — exceptions — penalty — rulemaking authority, procedure. —1. Any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall: (1) Successfully complete the examination required by section 302.173; (2) Pay the fee required by subsection 4 of this section; (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a federal residential job training program, a driving instructor employed by a federal residential job training program, sign the application stating that the applicant has completed at least forty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term"emancipated minor"means a person who is at least sixteen years of age, but less than eighteen years of age, who: (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080; (b) Has been declared emancipated by a court of competent jurisdiction; (c) Enters active duty in the Armed Forces; (d) Has written consent to the emancipation from the custodial parent or legal guardian; or (e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses; (5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months. 2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. 3. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle. For the first six months after issuance of the intermediate driver's license, the holder of the license shall not operate a motor vehicle with more than one passenger who is under the age of nineteen who is not a member of the holder's immediate family. As used in this subsection, an intermediate

driver's license holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the intermediate driver's license holder. After the expiration of the first six months, the holder of an intermediate driver's license shall not operate a motor vehicle with more than three passengers who are under nineteen years of age and who are not members of the holder's immediate family. The passenger restrictions of this subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities. 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years. 5. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver-improvement program approved by the state highways and transportation commission. The driver-improvement program ordered by the director of revenue shall not be used in lieu of point assessment. 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years or within the thirty days immediately preceding their eighteenth birthday may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177. (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday, such license shall remain valid for the five business days immediately following the expiration date. In no case shall a licensee whose intermediate driver's license expires on a Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid driver's license if such offense occurred within five business days immediately following an expiration date that occurs on a Saturday, Sunday, or legal holiday. (3) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six-year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section. 7. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, cancelled or revoked in this state or any other state for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state. 8. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements. 9. Any person who violates any of the provisions of this section relating to intermediate drivers' licenses or the provisions of section 302.130 relating to temporary instruction permits is guilty of an infraction, and no points shall be assessed to his or her driving record for any such violation. 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void. ---------- (L. 1999 S.B. 19, A.L. 2000 H.B. 1797, A.L. 2001 H.B. 648, et al., A.L. 2004 H.B. 928 and H.B. 1123 and H.B. 1280, A.L. 2006 S.B. 1001, et al., A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.179 - Notice of expiration of license.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.179. Notice of expiration of license. —The director of revenue shall cause a notice of expiration of license to be mailed to each holder of a current Missouri license, addressed to the licensee at the address shown on his record. The notice shall be mailed not less than fifteen days prior to the expiration date of the license. ---------- (L. 1961 p. 492 § 1, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.180 - Photo identification for election purpose, nondriver identification card not compliant with federal REAL ID Act to be issued.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.180. Photo identification for election purpose, nondriver identification card not compliant with federal REAL ID Act to be issued. —In the event the state is required to provide a citizen with photo identification acceptable for election purposes, such identification shall be a nondriver identification card that is not compliant with the federal REAL ID Act of 2005. ---------- (L. 2017 H.B. 151 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.181 - Form of license — information shown — digital image required, exception — temporary license — nondriver's license, fee, duration — exception — digital driver's license program, requirements — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.181. Form of license — information shown

— digital image required, exception — temporary license — nondriver's license, fee, duration — exception — digital driver's license program, requirements — rulemaking authority. —1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. 2. All digital images produced for licenses shall become the property of the department of revenue. 3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator. 4. The director of revenue shall not issue a license without a facial digital image of the license applicant, except as provided pursuant to subsection 7 of this section. A digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No digital image shall be taken wearing anything which cloaks the facial features of the individual. 5. The department of revenue may issue a temporary license or a full license without the photograph or with the last photograph or digital image in the department's records to members of the Armed Forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued. 6. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 7 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101, as section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a period of three years or less. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. 7. If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license. In order to qualify for a license without a photograph or digital image pursuant to this section the applicant must: (1) Present a form provided by the department of revenue requesting the applicant's photograph be omitted from the license or nondriver's license due to religious affiliations. The form shall be signed by the applicant and another member of the religious tenant verifying the photograph or digital image exemption on the license or nondriver's license is required as part of their religious affiliation. The required signatures on the prescribed form shall be properly notarized; (2) Provide satisfactory proof to the director that the applicant has been a United States citizen for at least five years and a resident of this state for at least one year, except that an applicant moving to this state possessing a valid driver's license from another state without a photograph shall be exempt from the one-year state residency requirement. The director may establish rules necessary to determine satisfactory proof of citizenship and residency pursuant to this section; (3) Applications for a driver's license or nondriver's license without a photograph or digital image must be made in person at a license office determined by the director. The director is authorized to limit the number of offices that may issue a driver's or nondriver's license without a photograph or digital image pursuant to this section. 8. The department of revenue shall make available, at one or more locations within the state, an opportunity for individuals to have their full facial photograph taken by an employee of the department of revenue, or their designee, who is of the same sex as the individual being photographed, in a segregated location. 9. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section. 10. (1) Notwithstanding any biometric data restrictions contained in section 302.170, the department of revenue is hereby authorized to design and implement a secure digital driver's license program that allows applicants applying for a driver's license in accordance with this chapter to obtain a secure digital driver's license in addition to the physical card-based license specified in this section. (2) A digital driver's license as described in this subsection shall be accepted for all purposes for which a license, as defined in section 302.010, is used. (3) The department may contract with one or more entities to develop the secure digital driver's license system. The department or entity may develop a mobile software application capable of being utilized through a person's electronic device to access the person's secure digital driver's license. (4) The department shall suspend, disable, or terminate a person's participation in the secure digital driver's license program if: (a) The person's driving privilege is suspended, revoked, denied, withdrawn, or cancelled as provided in this chapter; or (b) The person reports that the person's electronic device has been lost, stolen, or compromised. 11. The director of the department of revenue may

promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void. ---------- (RSMo 1939 §§ 8372, 8452, A.L. 1951 p. 678 § 302.180, A.L. 1961 p. 487, A.L. 1971 H.B. 365, A.L. 1973 H.B. 278, A.L. 1979 S.B. 160, A.L. 1984 H.B. 1045, A.L. 1986 S.B. 523, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 H.B. 202 & 364, A.L. 1992 H.B. 958, A.L. 1995 S.B. 24, A.L. 1996 H.B. 1315, A.L. 1999 S.B. 19, A.L. 2004 S.B. 1233, et al., A.L. 2011 H.B. 294, et al., A.L. 2013 S.B. 75, A.L. 2020 H.B. 1963) Prior revision: 1929 § 7765

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.182 - Permanent disability notation on driver's and nondriver's licenses — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.182. Permanent disability notation on driver's and nondriver's licenses — rulemaking authority. —1. Any resident of this state who is permanently disabled may apply to the department of revenue to have a notation indicating such status on the person's driver's license or nondriver's license. The department of revenue, by rule, may establish the cost and criteria for placement of the notation, such as requiring an applicant to submit certain medical proof of permanent disability. 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void. ---------- (L. 2009 H.B. 683) Effective 7-01-10

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.184 - Boater identification card, notation for compliance with boating safety requirements — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.184. Boater identification card, notation for compliance with boating safety requirements — rulemaking authority. —Any resident of this state who possesses a boater identification card issued by the Missouri state water patrol*under section 306.127 may apply to the department of revenue to have a notation placed on the person's driver's license or nondriver's license indicating that such person has complied with the provisions of section 306.127. The department of revenue, by rule, may establish the cost and criteria for placement of the notation. Any driver's license or nondriver's license bearing such a notation may be used for identification in lieu of a boater identification card issued under section 306.127. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void. ---------- (L. 2009 H.B. 683) Effective 7-01-10 * "Missouri state water patrol" changed to "water patrol division" by section 306.010, 2010.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.185 - Duplicate license, REAL ID compliant license — how obtained — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.185. Duplicate license, REAL ID compliant license — how obtained — fee. —In the event that a license issued under sections 302.010 to 302.780 shall be lost or destroyed or when a veteran seeks a veteran designation under section 302.188 prior to the expiration of a license or when a person who has a license or identification card issued prior to August 28, 2017, applies for a REAL ID compliant driver's license or identification card because noncompliant driver's licenses or identification cards issued by this state are no longer accepted as sufficient identification for domestic air travel, but not where a license has been suspended, taken up, revoked, disqualified, or deposited in lieu of bail, hereinafter provided, the person to whom the license as was issued may obtain a duplicate license upon furnishing proper identification and satisfactory proof to the director or his authorized license agents that the license has been lost or destroyed, and upon payment of a fee of fifteen dollars for a duplicate license if the person transports persons or property as classified in section 302.015, and a fee of seven dollars and fifty cents for all other duplicate classifications of license. The department of revenue shall not collect a duplicate license fee for issuance of a REAL ID compliant driver's license or identification card to a person not previously issued a REAL ID compliant driver's license or identification card. ---------- (RSMo 1939 § 8453, A.L. 1951 p. 678, A.L. 1961 p. 487, A.L. 1972 S.B. 651, A.L. 1984 H.B. 1045, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 2012 S.B. 470, A.L. 2017 H.B. 151)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.186 - Active military duty, expiration of driver's license during, renewal without examination,

when — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.186. Active military duty, expiration of driver's license during, renewal without examination, when — rulemaking authority. —1. Notwithstanding any other law, if the driver's license of any person expires while such person is on active duty in the Armed Forces of the United States, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the Armed Forces, or within ninety days after reestablished residence within the state, whichever time is sooner. Missouri residents on active duty in the Armed Forces of the United States or any dependent thereof age twenty-one or older residing outside the state of Missouri or the United States may renew their driver's license by mail. 2. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void. ---------- (L. 2011 H.B. 204)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.187 - Municipalities and counties to pay replacement costs of driver's license, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.187. Municipalities and counties to pay replacement costs of driver's license, when. —Any municipality or county that, after having taken the motor vehicle driver's license of a person, loses such license shall replace such license and pay all costs of replacement. For purposes of this section, such license shall be deemed lost if, after thirty days from the date of taking such license, such municipality or county has no legal reason for retaining such license and cannot locate such license. ---------- (L. 1999 H.B. 300 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.188 - Veteran designation on driver's licensed or ID card, requirements — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.188. Veteran designation on driver's licensed or ID card, requirements — rulemaking authority. —1. A person may apply to the department of revenue to obtain a veteran designation on a driver's license or identification card issued under this chapter by providing: (1) A United States Department of Defense discharge document, otherwise known as a DD Form 214, that shows a discharge status of "honorable" or "general under honorable conditions" that establishes the person's service in the Armed Forces of the United States; or (2) A United States Uniformed Services Identification Card, otherwise known as a DD Form 2, that includes a discharge status of "retired" or "reserve retired" establishing the person's service in the Armed Forces of the United States; or (3) A United States Department of Veterans Affairs photo identification card; or (4) A United States military discharge document, including, but not limited to, a WD AGO 53, WD AGO 55, WD AGO 53-55, NAVPERS 553, NAVMC 78 PD, NAVCG 553, DD 256MC, or DD 215 form, that shows a discharge status of "honorable" or "general under honorable conditions"; and (5) Payment of the fee for the driver's license or identification card authorized under this chapter. 2. If the person is seeking a duplicate driver's license with the veteran designation and his or her driver's license has not expired, the fee shall be as provided under section 302.185. 3. The department of revenue shall place the veteran designation on the front of driver's licenses and identification cards authorized under this section. 4. The department of revenue may promulgate rules as necessary for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. ---------- (L. 2012 S.B. 470, A.L. 2015 H.B. 179, A.L. 2017 H.B. 151 merged with S.B. 279, A.L. 2021 S.B. 120, A.L. 2024 S.B. 912)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.190 - Duration of suspension of license — new license, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.190. Duration of suspension of license — new license, when. —The director of revenue shall not suspend a license for a period of more than one year and upon revoking a license shall not in any event grant application for a new license until the expiration of one year after such revocation. ---------- (RSMo 1939 § 8461) CROSS REFERENCE: Duration of suspension under financial responsibility law, 303.110

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.200 - Effect of revocation — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.200. Effect of revocation — penalty. —Any resident or nonresident whose license, right or privilege to operate a motor vehicle in this state has been suspended or revoked as

provided in sections 302.010 to 302.540 shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under sections 302.010 to 302.540. Violation of any provision of this section is a misdemeanor and on conviction therefor a person shall be punished as prescribed by section 302.321. ---------- (RSMo 1939 § 8462, A.L. 1961 p. 493, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.205 - Medical alert notation on driver's license or nondriver's identification card, when — procedure — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.205. Medical alert notation on driver's license or nondriver's identification card, when — procedure — rulemaking authority. —1. Any resident of this state may elect to have a medical alert notation placed on the person's driver's license or nondriver's identification card. The following conditions, illnesses, and disorders may be recorded on a driver's license or nondriver's identification card as medical alert information at the request of the applicant: (1) Posttraumatic stress disorder; (2) Diabetes; (3) Heart conditions; (4) Epilepsy; (5) Drug allergies; (6) Alzheimer's or dementia; (7) Schizophrenia; (8) Autism; or (9) Other conditions as approved by the director of the department of revenue or his or her designee. 2. Any person requesting the inclusion of a medical alert notation on his or her driver's license or nondriver's identification card shall submit an application form to include a waiver of liability for the release of any medical information to the department, any person who is eligible for access to such medical information as recorded on the person's driving record under this chapter, and any other person who may view or receive notice of such medical information by virtue of having seen such person's driver's license or nondriver's identification card. Such application shall advise the person that he or she will be consenting to the release of such medical information to anyone who sees or copies his or her driver's license or nondriver's identification card, even if such person is otherwise ineligible to access such medical information under state or federal law. 3. Such application shall include space for a person requesting the inclusion of a medical alert notation on his or her driver's license or nondriver's identification card to obtain a sworn statement from a person licensed to practice medicine or psychology in this state verifying such diagnosis. 4. Any person who has been issued a driver's license or nondriver's identification card bearing medical alert information may be issued a replacement driver's license or nondriver's identification card excluding such medical alert information at his or her request and upon payment of the fee provided in this chapter for replacement of lost licenses or identification cards. 5. No medical alert information shall be printed on or removed from a driver's license or nondriver's identification card without the express consent of the licensee. If the licensee is a child under the age of eighteen, consent for the printing of medical alert information shall be provided by the parent or guardian of the child when he or she signs the application for the driver's license or nondriver's identification card. If the licensee is an incapacitated adult, consent for the printing of medical alert information shall be given by the guardian of such adult as appointed by a court of competent jurisdiction. 6. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void. ---------- (L. 2020 H.B. 1963) Effective 7-31-21

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.220 - Prohibited uses of license.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.220. Prohibited uses of license. —It shall be unlawful for any person to display or to permit to be displayed, or to have in his possession, any license knowing the same to be fictitious or to have been cancelled, suspended, revoked, disqualified or altered; to lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof; to display or to represent as one's own any license not issued to the person so displaying the same, or fail or refuse to surrender to the clerk of any division of the circuit court or the director, any license which has been suspended, cancelled, disqualified or revoked, as provided by law; to use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement, or knowingly to conceal a material fact, or otherwise commit a fraud in any such application; to authorize or consent to any motor vehicle owned by him or under his control to be driven by any person, when he has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of sections 302.010 to 302.780; to employ a person to operate a motor vehicle in the transportation of persons or property, with knowledge that such person has not complied with the provisions of sections 302.010 to 302.780, or whose license has been revoked, suspended, cancelled or disqualified; or who fails to produce his or her license upon demand of any person or persons authorized to make such demand. ---------- (RSMo 1939 § 8455, A.L. 1951 p. 678, A.L. 1978 H.B. 1634, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.225 - Surrender of license — record of convictions, kept where, by whom — revocation by city officials prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.225. Surrender of license — record of convictions, kept where, by whom — revocation by city officials prohibited. —1. Every court having jurisdiction over offenses committed under sections 302.010 to 302.780, or any other law of this state, or county or municipal ordinance, regulating the operation of vehicles on highways or any other offense in which the commission of such offense involves the use of a motor vehicle, including felony convictions, shall, within seven days thereafter, forward to the department of revenue, in a manner approved by the director of the department of public safety a record of any plea or finding of guilty of any person in the court for a violation of sections 302.010 to 302.780 or for any moving traffic violation under the laws of this state or county or municipal ordinances. The record related to offenses involving alcohol, controlled substances, or drugs shall be entered in the Missouri uniform law enforcement system records. The director of revenue shall enter the conviction information into the appropriate computer systems and transmit the conviction information as required in 49 CFR Part 384, or as amended by the Secretary of the United States Department of Transportation. The record of all convictions involving the assessment of points as provided in section 302.302 and convictions involving a commercial motor vehicle as defined in section 302.700 furnished by a court to the department of revenue shall be forwarded by the department of revenue within fifteen days of receipt to the Missouri state highway patrol. The record related to offenses involving alcohol, controlled substances, or drugs, or in which the Missouri state highway patrol was the arresting agency shall be entered into the Missouri uniform law enforcement system records. 2. Whenever any person is convicted of any offense or series of offenses for which sections 302.010 to 302.340 makes mandatory the suspension or revocation of the license of such person by the director of revenue, the circuit court in which such conviction is had shall require the surrender to it of all licenses, then held by the person so convicted, and the court shall within seven days thereafter forward the same, together with a record of the conviction, to the director of revenue. 3. No municipal judge or municipal official shall have power to revoke any license. ---------- (RSMo 1939 § 8459, A.L. 1951 p. 678, A.L. 1961 p. 487, A.L. 1978 H.B. 1634, A.L. 1982 S.B. 513, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1997 S.B. 248, A.L. 2004 S.B. 1233, et al.) Effective 9-30-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.228 - Fees, how deposited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.228. Fees, how deposited. —On and after July 1, 1961, all fees payable under this law shall be collected by the department of revenue and deposited in the state treasury to the credit of the state highway department fund. ---------- (L. 1961 p. 494 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.230 - Penalty for false statement or affidavit.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.230. Penalty for false statement or affidavit. —Any person who makes a false unsworn statement or affidavit or knowingly swears or affirms falsely as to any matter or thing required by sections 302.010 to 302.540 shall be deemed guilty of a class A misdemeanor. No person who pleads guilty or nolo contendere, or is found guilty of making a false statement or affidavit shall be licensed to operate a motor vehicle for a period of one year after such plea, finding or conviction. ---------- (RSMo 1939 § 8464, A.L. 1951 p. 678, A.L. 1955 p. 621, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 2004 S.B. 1233, et al.) Effective 7-09-04

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.233 - Fraud in obtaining a license or permit, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.233. Fraud in obtaining a license or permit, penalty. —1. Notwithstanding any other provision of law, any person who commits or assists another individual in committing fraud or deception during any examination process required by sections 302.010 to 302.782, or who knowingly conceals a material fact or provides information which contains or is substantiated with false or fraudulent information or documentation, or otherwise commits a fraud in an application for an instruction permit, driver's license, nondriver's license, or commercial driver's license or permit is guilty of a class A misdemeanor. 2. An applicant who pleads guilty or nolo contendere to or is found guilty of a violation of this section shall not be licensed to operate a motor vehicle or commercial motor vehicle for a period of one year after such plea, finding, or conviction. 3. Any person assisting an applicant who pleads guilty or nolo contendere to or is found guilty of a violation of this section shall have his or her existing motor vehicle or commercial motor vehicle license revoked and lose all driving privileges for a period of one year after such plea, finding, or conviction. ---------- (L. 2004 S.B. 1233, et al.) Effective 7-09-04

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.250 - Children forbidden to operate motor vehicle.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.250. Children forbidden to operate motor vehicle. —No person shall cause or knowingly permit his child or ward under the age of sixteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of sections 302.010 to 302.260. ---------- (RSMo 1939 § 8466)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.260 - Unlicensed person operating motor vehicle prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.260. Unlicensed person operating motor vehicle prohibited. —No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of sections 302.010 to 302.260. ---------- (RSMo 1939 § 8467) (1958) In action by mother for death of decedent in one-car accident charging owner of automobile with wanton, willful and reckless conduct in permitting decedent, just under sixteen years of age, to drive, court held that submissible case had not been made since evidence would not justify finding that the owner knew, or circumstances were so strong as to charge him as reasonable man with anticipating, that serious injury would probably result. Thomasson v. Winsett (A.), 310 S.W.2d 33. (1958) Person who "knowingly permits" driving by person under the age of sixteen is negligent as a matter of law. Thomasson v. Winsett (A.), 310 S.W.2d 33.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.272 - School bus endorsement, qualifications — grounds for refusal to issue or renew endorsement — rulemaking authority — reciprocity.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.272. School bus endorsement, qualifications — grounds for refusal to issue or renew endorsement — rulemaking authority — reciprocity. —1. No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus endorsement under this section and complied with the pertinent rules and regulations of the department of revenue and any final rule issued by the secretary of the United States Department of Transportation or has a valid school bus endorsement on a valid commercial driver's license issued by another state. A school bus endorsement shall be issued to any applicant who meets the following qualifications: (1) The applicant has a valid state license issued under this chapter; (2) The applicant is at least twenty-one years of age; and (3) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include any examinations prescribed by the secretary of the United States Department of Transportation, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who are at least seventy years of age, such examination, excluding the pre-trip inspection portion of the commercial driver's license skills test, shall be completed annually to retain the school bus endorsement. 2. The director of revenue, to the best of the director's knowledge, shall not issue or renew a school bus endorsement to any applicant whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations. 3. The director may adopt any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. 4. Notwithstanding the requirements of this section, an applicant who resides in another state and possesses a valid driver's license from his or her state of residence with a valid school bus endorsement for the type of vehicle being operated shall not be required to obtain a Missouri driver's license with a school bus endorsement. ---------- (L. 1986 S.B. 707 § 302.270, A.L. 1987 H.B. 384 Revision merged with S.B. 3, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1996 H.B. 1301 & 1298 merged with H.B. 1441, A.L. 2004 H.B. 1453 merged with S.B. 968 and S.B. 969 merged with S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2018 H.B. 1606 merged with S.B. 687)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.273 - Federal rule compliance for bus drivers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.273. Federal rule compliance for bus drivers. —1. Notwithstanding any provisions of section 302.272, any individual who operates a school bus as that term is defined in 49 CFR Part 383, Section 383.5, shall meet the requirements for and be issued a school bus endorsement as required by the Secretary pursuant to 49 CFR, Part 383, Section 383.123. 2. The director is authorized to promulgate any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 2004 S.B. 1233, et al.) Effective 9-30-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.274 - Central depository concerning certain bus drivers, to be maintained by director of revenue.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.274. Central depository concerning certain bus drivers, to be maintained by director of revenue. —The director of the department of revenue shall establish a central depository

system which shall maintain and store notifications received pursuant to section 302.275 concerning certain bus drivers. The notification shall consist of the names of bus drivers reported pursuant to section 302.275 and any other information the director finds necessary to properly maintain a central depository or administer sections 302.274 to 302.276. ---------- (L. 1997 H.B. 566 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.275 - Notification by employer of school bus driver to director of revenue, when, penalty for noncompliance, by an employer.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.275. Notification by employer of school bus driver to director of revenue, when, penalty for noncompliance, by an employer. —Any employer of a person licensed pursuant to section 302.272 to operate a school bus, as that term is defined in section 301.010, shall notify the director of the department of revenue within ten days of discovering that the person has failed to pass any drug, alcohol or chemical test administered pursuant to the requirements of any federal or state law, rule or regulation regarding the operation of a school bus. The notification shall consist of the person's name and any other relevant information required by the director. The director shall determine the manner in which the notification is made. Any employer, or any officer of an employer, who knowingly fails to comply with the notification requirement of this section or who knowingly provides a false notification shall be guilty of an infraction. ---------- (L. 1997 H.B. 566 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.276 - Suspension of school bus permit, when, penalty for noncompliance by driver with suspended permit.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.276. Suspension of school bus permit, when, penalty for noncompliance by driver with suspended permit. —If the director of the department of revenue receives notification of a failed drug, alcohol or chemical test pursuant to section 302.275 and the director makes a determination that such test was failed, then the director shall suspend the school bus permit, issued pursuant to section 302.272 of such person for a period of one year from the date the determination is made. Any person who operates a school bus, as defined in section 301.010, after having the person's permit suspended pursuant to this section shall be punished in accordance with section 302.321. ---------- (L. 1997 H.B. 566 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.281 - Suspension for unsatisfied judgment.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.281. Suspension for unsatisfied judgment. —The director shall suspend the license of an operator upon a showing by the records of the director or any public records that such operator has an unsatisfied judgment against him, as defined in chapter 303, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, has been established. ---------- (L. 1951 p. 678 § 302.280, A.L. 1955 p. 621, A.L. 1961 p. 487, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89 CROSS REFERENCE: Duration of suspension under financial responsibility law, 303.110

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.286 - Theft of motor fuel punishable by suspension of driver's license — reinstatement fee required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.286. Theft of motor fuel punishable by suspension of driver's license — reinstatement fee required. —1. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made. A person found guilty or pleading guilty to stealing pursuant to section 570.030 for the theft of motor fuel as described in this section shall have his or her driver's license suspended by the court, beginning on the date of the court's order of conviction. 2. The person shall submit all of his or her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the department of revenue for administration of such order. 3. Suspension of a driver's license pursuant to this section shall be made as follows: (1) For the first offense, suspension shall be for sixty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days of such suspension; (2) For the second offense, suspension shall be for ninety days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty days of such suspension; and (3) For the third or any subsequent offense, suspension shall be for one hundred eighty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first ninety days of such suspension. 4. At the expiration of the suspension period, and upon payment of a reinstatement fee of twenty-five dollars, the director shall terminate the suspension and shall return the person's driver's license. The reinstatement fee shall be in addition to any other fees required by law, and shall be deposited in the state treasury to the credit of the state highway department fund, pursuant to section 302.228. ---------- (L. 2001 S.B. 244)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.291 - Incompetent or unqualified operators, director may require examination, when — report permitted, when, by whom, contents, immunity from liability — confidentiality, penalty — rules — appeal — reinstatement.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.291. Incompetent or unqualified operators, director may require examination, when — report permitted, when, by whom, contents, immunity from liability — confidentiality, penalty — rules — appeal — reinstatement. —1. The director, having good cause to believe that an operator is incompetent or unqualified to retain his or her license, after giving ten days' notice in writing by certified mail directed to such person's present known address, may require the person to submit to an examination as prescribed by the director. Upon conclusion of the examination, the director may allow the person to retain his or her license, may suspend, deny or revoke the person's license, or may issue the person a license subject to restrictions as provided in section 302.301. If an examination indicates a condition that potentially impairs safe driving, the director, in addition to action with respect to the license, may require the person to submit to further periodic examinations. The refusal or neglect of the person to submit to an examination within thirty days after the date of such notice shall be grounds for suspension, denial or revocation of the person's license by the director, an associate circuit or circuit court. Notice of any suspension, denial, revocation or other restriction shall be provided by certified mail. As used in this section, the term"denial"means the act of not licensing a person who is currently suspended, revoked or otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing a previously issued license. 2. The examination provided for in subsection 1 of this section may include, but is not limited to, a written test and tests of driving skills, vision, highway sign recognition and, if appropriate, a physical and/or mental examination as provided in section 302.173. 3. The director shall have good cause to believe that an operator is incompetent or unqualified to retain such person's license on the basis of, but not limited to, a report by: (1) Any certified peace officer; (2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed pursuant to chapter 335; any psychologist, social worker or professional counselor licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; any emergency medical technician licensed pursuant to chapter 190; or (3) Any member of the operator's family within three degrees of consanguinity, or the operator's spouse, who has reached the age of eighteen, except that no person may report the same family member pursuant to this section more than one time during a twelve-month period.--The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report. --The report must state that the person reasonably and in good faith believes the driver cannot safely operate a motor vehicle and must be based upon personal observation or physical evidence which shall be described in the report, or the report shall be based upon an investigation by a law enforcement officer. The report shall be a written declaration in the form prescribed by the department of revenue and shall contain the name, address, telephone number, and signature of the person making the report. 4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to chapter 335, any psychologist, social worker or professional counselor licensed pursuant to chapter 337, or any optometrist licensed pursuant to chapter 336, or any emergency medical technician licensed pursuant to chapter 190 may report to the department any patient diagnosed or assessed as having a disorder or condition that may prevent such person from safely operating a motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is permanent or temporary. The existence of a physician-patient relationship shall not prevent the making of a report by such medical professionals. 5. Any person who makes a report in good faith pursuant to this section shall be immune from any civil liability that otherwise might result from making the report. Notwithstanding the provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and maintained by the department of revenue pursuant to this section shall be kept confidential except upon order of a court of competent jurisdiction or in a review of the director's action pursuant to section 302.311. 6. The department of revenue shall keep records and statistics of reports made and actions taken against driver's licenses pursuant to this section. 7. The department of revenue shall, in consultation with the medical advisory board established by section 302.292, develop a standardized form and provide guidelines for the reporting of cases and for the examination of drivers pursuant to this section. The guidelines shall be published and adopted as required for rules and regulations pursuant to chapter 536. The department of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section. The guidelines and regulations implementing this section shall be in compliance with the federal Americans with Disabilities Act of 1990. 8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result. 9. Any person who intentionally files a false report pursuant to this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result. 10. All appeals of license revocations, suspensions, denials and restrictions shall be made as required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation, suspension, denial or restriction. 11. Any individual whose condition is temporary in nature as reported pursuant to the provisions of subsection 4 of this section shall have the right to petition the director of the department of revenue for total or partial

reinstatement of his or her license. Such request shall be made on a form prescribed by the department of revenue and accompanied by a statement from a health care provider with the same or similar license as the health care provider who made the initial report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the director of the department of revenue within thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10 of this section. ---------- (L. 1951 p. 678 § 302.290, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1998 H.B. 1536, A.L. 1999 H.B. 185, A.L. 2011 H.B. 499, A.L. 2013 S.B. 282) (1963) There was good cause for order on 82-year-old woman to appear for examination based upon official report of the highway patrol, actual observation of defective driving, complaints from others, and woman's age, and therefore revocation of her license, after she failed to appear for examination, and dismissal of her petition for review of revocation was not abuse of discretion. Wilson v. Morris (Mo.), 369 S.W.2d 402. (1975) Statement of opinion by highway patrolman not containing any facts on which such opinion was based is not sufficient to require examination under this section. Haynes v. Williams (A.), 522 S.W.2d 623.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.292 - Medical/vision advisory board established, qualifications, appointment, terms, vacancy, how filled — expenses — meetings — no liability for board, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.292. Medical/vision advisory board established, qualifications, appointment, terms, vacancy, how filled — expenses — meetings — no liability for board, when. —1. In order to advise the director of revenue on medical criteria for the reporting and examination of drivers with medical impairments, a "Medical/Vision Advisory Board" is hereby established within the department of revenue. The board shall be composed of three members appointed by the director of the department of revenue. The members of the board shall be licensed physicians and residents of this state. Of the original appointees, one shall serve for a term of two years and two shall serve for terms of four years. Subsequent appointees shall each serve for a term of four years or until their successors are appointed and approved. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term. The members of the board shall receive no compensation for their services and shall not hire any staff personnel but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. After the first full year of operation of the advisory board, the board shall meet no more than four times per year. 2. No civil or criminal action shall lie against any member of the medical/vision advisory board of the department of revenue who acts in good faith in advising the department under the provisions of this chapter. Good faith shall be presumed on the part of members of the medical/vision advisory board in the absence of a showing of fraud or malice. ---------- (L. 1987 S.B. 283, A.L. 1998 H.B. 1536) Effective 1-01-99

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.301 - Restricted licenses.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.301. Restricted licenses. —1. In addition to other restrictions imposed by this chapter, upon issuance of a license, the director shall have authority, when good cause appears, to impose restrictions suitable to the applicant's driving ability and pertaining to the type or special mechanical control devices required on a motor vehicle which the applicant may operate, or such other restrictions applicable to the applicant as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the applicant. 2. The director may issue either a special restricted license or may set forth the restrictions upon the usual license form. Upon receiving satisfactory evidence of any violation of the restrictions imposed pursuant to this chapter, the director may suspend or revoke the license, but the operator shall be entitled to an appeal as provided in section 302.311. 3. Any person who operates a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person shall be deemed guilty of a class C misdemeanor. ---------- (L. 1951 p. 678 § 302.300, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.302 - Point system — assessment for violation — assessment of points stayed, when, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 *302.302. Point system — assessment for violation — assessment of points stayed, when, procedure. —1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows: 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340. 3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if found to be warranted and certified by the reporting court. 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence. 5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a

motorcycle, a motorcycle-rider training course approved by the state highways and transportation commission, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700 or a violation committed by an individual who has been issued a commercial driver's license or is required to obtain a commercial driver's license in this state or any other state, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section.*The operator shall be given the option to complete the driver-improvement program through an online or in-person course.*A court using a centralized violation bureau established under section 476.385 may elect to have the bureau order and verify completion of a driver-improvement program or motorcycle-rider training course as prescribed by order of the court. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the state highways and transportation commission pursuant to sections 302.133 to 302.137. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection. ---------- (L. 1961 p. 487, A.L. 1965 p. 477, A.L. 1975 S.B. 32, A.L. 1981 H.B. 335 Revision, A.L. 1982 S.B. 513, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 1997 H.B. 389, A.L. 1999 S.B. 19, A.L. 2000 H.B. 1797, A.L. 2001 H.B. 302 & 38, A.L. 2004 S.B. 1233, et al., A.L. 2006 S.B. 872, et al., A.L. 2007 S.B. 82, A.L. 2009 H.B. 683, A.L. 2013 H.B. 103 merged with S.B. 23 merged with S.B. 282) Effective 8-28-13 (H.B. 103, S.B. 282); 3-03-14 (S.B. 23) *....* Sentence appearing within *...* was contained in S.B. 23 but not H.B. 103 and S.B. 282. This sentence effective 3-03-14. CROSS REFERENCE: Highway construction zones, moving violations, fine not to enhance court costs or points, 304.582

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.303 - Conviction for failure to maintain financial responsibility or court-ordered supervision, court to forward to revenue, failure to appear in court — procedure — revenue to maintain records of court reports.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.303. Conviction for failure to maintain financial responsibility or court-ordered supervision, court to forward to revenue, failure to appear in court — procedure — revenue to maintain records of court reports. —1. Whenever a court convicts a person of a violation of section 303.025 or enters an order of court-ordered supervision, the clerk of the court shall within ten days forward a report of the conviction or order of supervision to the director of revenue in a form prescribed by the department of revenue. In any case where the person charged with the violation fails to appear in court, the procedures provided in section 302.341 shall apply. For the purposes of this section, the term "court-ordered supervision" is used to indicate where a court of record may, upon a plea or finding of guilt, defer further proceedings of a sentence, and enter an order for supervision of the defendant, if the defendant is charged with a violation, in which case no points shall be assessed. 2. The department of revenue shall keep records of such reports. However, reports of court-ordered supervision shall not be released to any outside source, except the affected operator and those entities provided for in subsection 4 of section 32.091, and shall be used only to inform the director and the courts that such operator has previously been assigned court supervision. ---------- (L. 1999 S.B. 19) Effective 1-01-00

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.304 - Notice of points — suspension or revocation of license, when, duration — reinstatement, condition, point reduction, fee — failure to maintain proof of financial responsibility, effect — point reduction prior to conviction, effect — surrender of license — reinstatement of license when drugs or alcohol involved, assignment recommendation, judicial review — fees for program — supplemental fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.304. Notice of points — suspension or revocation of license, when, duration — reinstatement, condition, point reduction, fee — failure to maintain proof of financial responsibility, effect — point reduction prior to conviction, effect — surrender of license — reinstatement of license when drugs or alcohol involved, assignment recommendation, judicial review — fees for program — supplemental fees. —1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period. 2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue. 3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months. 4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed

proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows: (1) In the case of an initial suspension, thirty days after the effective date of the suspension; (2) In the case of a second suspension, sixty days after the effective date of the suspension; (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.--Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date. --Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date. 5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege. 6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended. 7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state. 8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated. 9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director. 10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice. 11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue. 12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law. 13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, except any suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee. 14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program

determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court. 15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053. 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program. 17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense as defined under section 577.001, and who has a prior alcohol-related enforcement contact as defined under section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor. ---------- (L. 1961 p. 487, A.L. 1972 S.B. 651, A.L. 1973 S.B. 257, A.L. 1979 S.B. 484, A.L. 1983 S.B. 318 & 135, A.L. 1984 H.B. 1575 Revision, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 S.B. 125 & 341 merged with H.B. 202 & 364, A.L. 1996 H.B. 773 merged with H.B. 1169 & 1271 merged with S.B. 722, A.L. 1999 S.B. 19, A.L. 2001 H.B. 302 & 38, A.L. 2002 H.B. 2062, A.L. 2003 H.B. 600, A.L. 2008 S.B. 930 & 947, A.L. 2012 S.B. 480, A.L. 2013 S.B. 23, A.L. 2014 S.B. 491, A.L. 2015 S.B. 254) Effective 1-01-17 (1971) Provisions for reduction of point value to six points upon reinstating a license applies to both suspended and revoked licenses and means that six of the points acquired prior to suspension or revocation are carried forward and reassessed against driver. The points to be treated as dating from the date the suspension or revocation is withdrawn. Bryan v. Schaffner (Mo.), 470 S.W.2d 545. (1974) Held that when license was reinstated prior to effective date of amendatory act providing for elimination of points on reinstatement the act could not be applied retroactively. Bitter v. Schaffner (A.), 504 S.W.2d 207. (1989) It is not a denial of equal protection when statute requires director of revenue to revoke driver's license for accumulation of points without a showing that all similarly situated drivers were not treated equally. (Mo.App.) Brown v. Director of Revenue, 772 S.W.2d 398. (1990) Statute requires director to revoke driver's driving privileges upon conviction of vehicular manslaughter. Because director has no discretion, reviewing court has no discretion to reinstate driving privileges. Kersting v. Director of Revenue, 792 S.W.2d 651 (Mo.App.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.306 - Reduction of point value charged after period of safe driving.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.306. Reduction of point value charged after

period of safe driving. —1. For the first full year of operation without conviction for a moving violation, the total accumulated point value charged against an operator shall be reduced by one-third. 2. For the second consecutive full year of operation without conviction of a moving violation, the remaining total accumulated point value charged against an operator shall be reduced by one-half. 3. For the third consecutive full year of operation without conviction for a moving violation, the remaining accumulated point value charged against an operator shall be withdrawn. ---------- (L. 1961 p. 487, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.308 - Effect of conviction prior to enactment.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.308. Effect of conviction prior to enactment. —The director in warning an operator of his conviction record or in issuing an order suspending or revoking his driving privileges shall not convert to points or use as a basis of suspension or revocation any conviction which occurred more than six months prior to the effective date of sections 302.302 to 302.309, provided, however, that such accumulation of points resulting from convictions prior to the effective date of sections 302.302 to 302.309, shall not cause a suspension or revocation of any driving privileges, not suspendable or revocable under the law existing prior to such effective date*, until there has been further violation or violations under the provisions of sections 302.302 to 302.309. ---------- (L. 1961 p. 487, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89 *The original effective date of this section was 10-31-61.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.309 - Return of license, when — limited driving privilege, when granted, application, when denied — judicial review of denial by director of revenue — rulemaking.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.309. Return of license, when — limited driving privilege, when granted, application, when denied — judicial review of denial by director of revenue — rulemaking. —1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303. 2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law. 3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges, except as provided under subdivision (8) of this subsection. Any application may be made in writing to the director of revenue and the person's reasons for requesting the limited driving privilege shall be made therein. (2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following: (a) A business, occupation, or employment; (b) Seeking medical treatment for such operator; (c) Attending school or other institution of higher education; (d) Attending alcohol- or drug-treatment programs; (e) Seeking the required services of a certified ignition interlock device provider; or (f) Any other circumstance the court or director finds would create an undue hardship on the operator,--the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license. --the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license. (3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator's principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle. (4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of subdivision (6) of this subsection if such person has a license denial under paragraph (a) or (b) of subdivision (8) of this subsection or on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license revocation under subdivision (2) of subsection 2 of section 302.525, or section 302.574 or 577.041, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege. The ignition interlock device required for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo identification technology feature, and a court may require a global positioning system feature for such device. (5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of

the privilege, which shall be not later than the end of the period of suspension or revocation. The court order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle with the limited driving privilege. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated. (6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege whose license at the time of application has been suspended or revoked for the following reasons: (a) A conviction of any felony in the commission of which a motor vehicle was used and such conviction occurred within the five-year period prior to the date of application. However, any felony conviction for leaving the scene of an accident under section 577.060 shall not render the applicant ineligible for a limited driving privilege under this section; (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), or (10) of subsection 1 of section 302.060; or (c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section 302.302 or subsection 2 of section 302.525. (7) No person who possesses a commercial driver's license shall receive a limited driving privilege issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege. (8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial. (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of acting with criminal negligence while driving while intoxicated to cause the death of another person, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court or the director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a limited driving privilege, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the alcohol-related enforcement contact that resulted in the person's license denial. (9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. 4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege. 5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. ---------- (L. 1961 p. 487, A.L. 1965 p. 477, A.L. 1967 p. 410, A.L. 1977 S.B. 478, A.L. 1978 H.B. 1634, A.L. 1983 H.B. 713 Revision, A.L. 1984 S.B. 608 & 681, A.L. 1987 S.B. 230, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1990 S.B. 567, A.L. 1991 S.B. 125 & 341, A.L. 1993 S.B. 167, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 1999 S.B. 19, A.L. 2001 H.B. 302 & 38, A.L. 2004 S.B. 1233, et al., A.L. 2008 S.B. 930 & 947, A.L. 2010 H.B. 1695, et al., A.L. 2012 H.B. 1402 and A.L. 2012 S.B. 480, A.L. 2013 S.B. 23, A.L. 2014 S.B. 491, A.L. 2015 S.B. 254) Effective

1-01-17 (1972) Provision that hardship driving privilege may be granted following the first conviction for operating an automobile while intoxicated but not following a second conviction is neither arbitrary nor unreasonable. Williams v. Schaffner (Mo.), 477 S.W.2d 55. (1984) A second conviction for driving while intoxicated must have occurred within a five-year period relative to the grant or denial of both a new application for a license and/or an application for limited driving privileges. Smith v. State (Mo.App.), 677 S.W.2d 920. (1988) Person convicted of driving while intoxicated twice within five-year period not eligible to receive hardship driving privilege. Hardwick v. Director of Revenue, 760 S.W.2d 615 (Mo.App.). (1993) A driver's license is not vested right, but merely privilege and granting of limited hardship privilege is not substantive in nature; therefore, where statute bars limited driving privileges in certain instances, it can be applied retrospectively. Taylor v. Director of Revenue, 861 S.W.2d 134 (Mo. App. E.D.). (1998) A felony conviction involving the use of a motor vehicle precludes eligibility for hardship driving privileges without time limit. Hagan v. Director of Revenue, 968 S.W.2d 704 (Mo.banc). (2014) Provision allowing DWI court graduates and participants to obtain limited driving privileges while denying same opportunity to non-participants does not violate equal protection because it is rationally related to legitimate state interest in protecting public from drunk drivers. Amick v. Director of Revenue, 428 S.W.3d 638 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.311 - Suspension or revocation — appeals from — procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.311. Suspension or revocation — appeals from — procedure. —In the event an application for a license is denied or withheld, or in the event that a license is suspended or revoked by the director, the applicant or licensee so aggrieved may appeal to the circuit court of the county of his residence in the manner provided by chapter 536 for the review of administrative decisions at any time within thirty days after notice that a license is denied or withheld or that a license is suspended or revoked. Upon such appeal the cause shall be heard de novo and the circuit court may order the director to grant such license, sustain the suspension or revocation by the director, set aside or modify the same, or revoke such license. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken, shall appear in behalf of the director, and prosecute or defend, as the case may require. ---------- (L. 1951 p. 678 § 302.310) (1964) The director of revenue is a necessary party to any appeal authorized by section 302.311 taken from a driver's or chauffeur's license suspension or revocation order of the director of revenue and his absence in such an action is jurisdictional to such an extent that it must be considered by an appellate court though not ruled on by trial court. Shepherd v. Dept. of Revenue (A.), 377 S.W.2d 525. (1972) Failure to appeal to circuit court within thirty days after notice of revocation deprived trial court of jurisdiction. Randles v. Schaffner (Mo.), 485 S.W.2d 1. (1998) Thirty-day period referred to in this statute begins to run on date of mailing of administrative decision. Gilbert v. Director of Revenue, 974 S.W.2d 655 (E.D.Mo.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.312 - Department of revenue and department of health and senior services, bureau of vital statistics, records, admissible in evidence, when — computer terminal printout of individual driving record admissible as evidence, printout available to driver, when, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.312. Department of revenue and department of health and senior services, bureau of vital statistics, records, admissible in evidence, when — computer terminal printout of individual driving record admissible as evidence, printout available to driver, when, fee. —1. Copies of all papers, documents, and records lawfully deposited or filed in the offices of the department of revenue or the bureau of vital records of the department of health and senior services and copies of any records, properly certified by the appropriate custodian or the director, shall be admissible as evidence in all courts of this state and in all administrative proceedings. 2. A computer terminal printout of an individual driving record through the Missouri uniform law enforcement system from the department of revenue database, certified by an officer of the local law enforcement agency, shall be admissible in evidence in all courts of this state. A local law enforcement agency equipped with a computer terminal shall provide a motor vehicle driver with a copy of such printout relating to the license of such motor vehicle driver upon the execution of a written request. The local law enforcement agency may charge an administrative fee not to exceed five dollars per copy. ---------- (L. 1972 S.B. 651, A.L. 1987 S.B. 230, A.L. 1995 H.B. 717 merged with S.B. 24 merged with S.B. 374, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722) CROSS REFERENCE: Vital statistics records, prima facie evidence, 193.255 (1998) Copies of documents from the department of revenue are admissible so long as properly certified. Mills v. Director of Revenue, 964 S.W.2d 873 (Mo.App. E.D.). (1998) 1996 amendment to statute governing the admissibility as evidence of copies of records filed with the department of revenue removed the requirement that copies of such records be served on the opposing party at least seven days before trial to be admissible. State v. Anders, 975 S.W.2d 462 (W.D.Mo.). (2013) Admission of certified copies of records without testimony of records' creators did not violate motorists' due process right to confront and cross-examine witnesses. Doughty v. Director of Revenue, 387 S.W.3d 383 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.321 - Driving while license or driving privilege is cancelled, suspended or revoked, penalty — enhanced penalty for repeat offenders — imprisonment, mandatory, exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.321. Driving while license or driving privilege is cancelled, suspended or revoked, penalty — enhanced penalty for repeat offenders — imprisonment, mandatory,

exception. —1. A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been cancelled, suspended, or revoked under the laws of this state or any other state and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been cancelled, suspended, or revoked. 2. Any person convicted of driving while revoked is guilty of a misdemeanor. A first violation of this section shall be punishable as a class D misdemeanor. A second or third violation of this section shall be punishable as a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class E felony. Except upon conviction as a first offense, no court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class E felony on the second or subsequent conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other offense. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. ---------- (RSMo 1939 § 8465, A.L. 1951 p. 678 § 302.320, A.L. 1961 p. 493, A.L. 1972 S.B. 651, A.L. 1983 S.B. 318 & 135, A.L. 1984 H.B. 1575 Revision, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 1999 S.B. 19, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2005 H.B. 353 merged with S.B. 37, et al., A.L. 2011 H.B. 111, A.L. 2014 S.B. 491) Effective 1-01-17 (1968) Information charging defendant with driving while "his license privilege" was under revocation was not defective because it failed to refer specifically to "driver's license" or because it did not state under which statute it had been revoked. State v. Cipolla (A.), 435 S.W.2d 52. (1975) Definition of "motor vehicle" in chapter 301 is not relevant or controlling in prosecution under this section. Vehicle that was part foreign car, part motorcycle and part homemade and had no hitch and a gear ratio not compatible with use as a tractor would not fall under this exemption. State v. Gardner (A.), 518 S.W.2d 670. (1987) Knowledge of the revocation is an element of an offense under this section. State v. Horst, 729 S.W.2d 30 (Mo. App.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.340 - Penalty for violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.340. Penalty for violations. —Whenever in sections 302.010 to 302.540 the doing of anything is required or is prohibited or is declared to be unlawful, any person who shall be convicted of a violation thereof shall be deemed guilty of a class A misdemeanor. Each day's violation of or failure, refusal or neglect to comply with any provision of sections 302.010 to 302.540 shall constitute a separate and distinct offense. ---------- (RSMo 1939 § 8404, A.L. 1951 p. 678, A.L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.341 - Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.341. Moving traffic violation, failure to prepay fine or appear in court, license suspended, procedure. —1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. 2. The provisions of subsection 1 of this section shall not apply to minor traffic violations as defined in section 479.350. ---------- (L. 1990 S.B. 567 § 1, A.L. 1993 S.B. 167, A.L. 1995 H.B. 118 merged

with S.B. 70, A.L. 1999 S.B. 19, A.L. 2008 S.B. 930 & 947, A.L. 2009 H.B. 683, A.L. 2012 H.B. 1402 merged with S.B. 470 merged with S.B. 480 merged with S.B. 568, A.L. 2013 H.B. 103 merged with S.B. 23 merged with S.B. 282, A.L. 2015 S.B. 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.342 - Suspended or revoked license, person changing state of residence, cleared of requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.342. Suspended or revoked license, person changing state of residence, cleared of requirements. —Any person who has his license to operate a motor vehicle suspended or revoked under chapter 302 or 303 and who has completed the period of such suspension or revocation but who has not filed proof of financial responsibility as required by law, or completed an alcohol-related traffic offender's program, and who becomes a resident of another state, and is otherwise eligible and has applied for a driver's license in such state, shall be cleared of either or both of these requirements, provided evidence satisfactory to the director is presented to show that such person has changed residency. ---------- (L. 1991 H.B. 202 & 364)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.345 - Diversion program participation prohibited, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.345. Diversion program participation prohibited, when. —Notwithstanding any other provision of law, no federal, state, county, municipal, or local court shall defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses a commercial driver's license or is required to possess a commercial driver's license issued pursuant to this chapter or the laws of another state to enter into a diversion program that would prevent a conviction for any violation, in any type of motor vehicle, of a federal, state, county, municipal, or local traffic control law from appearing on the driver's record maintained by the director of revenue. ---------- (L. 2004 S.B. 1233, et al.) Effective 9-30-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.347 - Federal record-keeping rule to be adopted.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.347. Federal record-keeping rule to be adopted. —The director of revenue shall adopt the materials incorporated by reference and record-keeping requirements as prescribed in 49 CFR Part 384, or as amended by the Secretary. ---------- (L. 2004 S.B. 1233, et al.) Effective 9-30-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.400 - Suspension or revocation of driving privileges, persons under twenty-one years of age — violation of certain laws — surrender of licenses — court to forward to director of revenue — period of suspension.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.400. Suspension or revocation of driving privileges, persons under twenty-one years of age — violation of certain laws — surrender of licenses — court to forward to director of revenue — period of suspension. —1. A court of competent jurisdiction shall, upon a finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was committed by a juvenile, enter an order suspending or revoking the driving privileges of any person determined to have committed one of the following offenses and who, at the time said offense was committed, was under twenty-one years of age: (1) Any alcohol-related traffic offense in violation of state law or a county or municipal ordinance, where the defendant was represented by an attorney or waived the right to an attorney in writing; (2) Any offense in violation of state law or a county or municipal ordinance, where the defendant was represented by an attorney or waived the right to an attorney in writing, involving the possession or use of alcohol, committed while operating a motor vehicle; (3) Any offense involving the possession or use of a controlled substance as defined in chapter 195 in violation of state law or a county or municipal ordinance, where the defendant was represented by an attorney or waived the right to an attorney in writing; (4) Any offense involving the alteration, modification, or misrepresentation of a license to operate a motor vehicle in violation of section 311.328; (5) Any subsequent offense in violation of state law or a county or municipal ordinance, where the defendant was represented by, or waived in writing the right to, an attorney, involving the possession or use of alcohol; except that a determination of guilt or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen years of age. 2. A court of competent jurisdiction shall, upon a finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was committed by a juvenile, enter an order suspending or revoking the driving privileges of any person determined to have committed a violation of section 311.325 and who, at the time said violation was committed, was more than fifteen years of age and under twenty-one years of age. 3. The court shall require the person against whom a court has entered an order suspending or revoking driving privileges under subsections 1 and 2 of this section to surrender any license to operate a motor vehicle, temporary instruction permit, intermediate driver's license, or any other driving privilege then held by such person. 4. The court, if other than a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this section. 5. (1) Notwithstanding chapter 211 to the contrary, the court, if a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses, temporary

instruction permits, intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this section for any person sixteen years of age or older. (2) Notwithstanding chapter 211 to the contrary, the court, if a juvenile court, shall hold the order of suspension or revocation of driving privileges for any person less than sixteen years of age until thirty days before the person's sixteenth birthday, at which time the juvenile court shall forward to the director of revenue the order of suspension or revocation of driving privileges. 6. The period of suspension for a first offense under subsection 1 of this section shall be ninety days. Any second or subsequent offense under subsection 1 of this section shall result in revocation of the offender's driving privileges for one year. The period of suspension for a first offense under subsection 2 of this section shall be thirty days. The period of suspension for a second offense under subsection 2 of this section shall be ninety days. Any third or subsequent offense under subsection 2 of this section shall result in revocation of the offender's driving privileges for one year. ---------- (L. 1987 S.B. 230 § 1, A.L. 1991 S.B. 125 & 341, A.L. 2005 H.B. 353 merged with S.B. 37, et al. merged with S.B. 402, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.500; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.405 - Revocation of driving privileges, persons over twenty-one years of age — possession or use of drug in motor vehicle — surrender of licenses — court shall forward order to department of revenue.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.405. Revocation of driving privileges, persons over twenty-one years of age — possession or use of drug in motor vehicle — surrender of licenses — court shall forward order to department of revenue. —A court of competent jurisdiction shall enter an order revoking the driving privileges of any person determined to have violated any state, county, or municipal law involving the possession or use of a controlled substance, as defined in chapter 195, while operating a motor vehicle and who, at the time said offense was committed, was twenty-one years of age or older. The court shall require the person to surrender to the court all operator's and chauffeur's licenses then held by such person. The court shall forward to the director of revenue the order of revocation of driving privileges and any licenses surrendered. ---------- (L. 1987 S.B. 230 § 2, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.505; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.410 - Director of revenue to suspend or revoke license, when — hardship driving privileges may be granted, procedure — temporary instruction permits allowed, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.410. Director of revenue to suspend or revoke license, when — hardship driving privileges may be granted, procedure — temporary instruction permits allowed, when. —1. Upon receipt of a court order suspending or revoking the driving privileges of a person under sections 302.400 and 302.405, the director of revenue shall suspend the driving privileges for ninety days or revoke the driving privileges of such person for a period of one year, provided however, that in the case of a person who at the time of the offense was less than sixteen years of age, the period of suspension or revocation shall commence on that person's sixteenth birthday. The provisions of this chapter to the contrary notwithstanding, the suspension or revocation shall be imposed without further hearing. Any person whose driving privileges have been suspended or revoked under sections 302.400 and 302.405 may petition the circuit court for a hardship driving privilege and said application shall be determined and administered in the same manner as allowed in section 302.309. 2. The director of revenue shall permit the issuance of a temporary instruction permit in the same manner as allowed in subsection 3 of section 302.130 to persons fifteen years of age and under seventeen years of age denied driving privileges by court order pursuant to section 302.400. This exception only applies to instruction permits that entitle a person to operate a motor vehicle on the highways in the presence of an authorized instructor. ---------- (L. 1987 S.B. 230 § 3, A.L. 1991 S.B. 125 & 341, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.510; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.415 - Failure to surrender licenses, certain law enforcement officer may seize.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.415. Failure to surrender licenses, certain law enforcement officer may seize. —If a person shall neglect or refuse to surrender all operator's and chauffeur's licenses, as provided for in sections 302.400 and 302.405, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return such license or licenses to the director. ---------- (L. 1987 S.B. 230 § 4, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.515; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.420 - License reinstatement, substance abuse traffic offender program — professional assessment — supplemental fee, disposition, failure to remit, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.420. License reinstatement, substance abuse traffic offender program — professional assessment — supplemental fee, disposition, failure to remit, penalty. —1. No person who has had his or her license suspended or revoked under the provisions of sections 302.400 and 302.405 shall have that license reinstated until he or she has paid a twenty-dollar reinstatement fee and has successfully completed a substance abuse traffic offender program as defined in section 302.010. 2. The fees for the substance abuse traffic offender program, or a portion thereof to

be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth of each month the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065 plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053. 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action to collect said fees and any accrued interest. The court shall assess attorney fees and court costs against any delinquent program. ---------- (L. 1987 S.B. 230 § 5, A.L. 1991 S.B. 125 & 341, A.L. 1993 S.B. 167, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2003 H.B. 600, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.520; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.425 - Completion of substance abuse traffic offender program, persons under twenty-one years of age, required, when, standards by department of mental health.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.425. Completion of substance abuse traffic offender program, persons under twenty-one years of age, required, when, standards by department of mental health. —Any court which has jurisdiction over violations of state, county or municipal laws shall enter an order, in addition to other orders authorized by law, requiring the completion of a substance abuse traffic offender program as defined in section 302.010, as a part of the judgment entered in the case, for any person determined to have violated a state, county, or municipal law involving the possession or use of alcohol and who at the time of said offense was under twenty-one years of age when the court, if a juvenile court, finds that the offense was committed by such person or, if a city, county, or state court, when the person pleads guilty, or is found guilty of such offense by the court. ---------- (L. 1987 S.B. 230 § 6, A.L. 1991 S.B. 125 & 341, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.525; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.426 - Department of revenue — rules and regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.426. Department of revenue — rules and regulations. —The director of revenue shall have authority to make such rules and regulations as he or she deems necessary for the administration of sections 302.400 to 302.425. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void. ---------- (L. 1987 S.B. 230 § 7, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.530; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.440 - Devices, use of, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.440. Devices, use of, when. —In addition to any other provisions of law, a court may require that any person who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a court shall require that any person who is found guilty of a second or subsequent intoxication-related traffic offense, as defined in section 577.001, shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than six months from the date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309 to any person who is found guilty of a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege, except as provided in section 302.441. These requirements shall be in addition to any other provisions of this chapter or chapter 577 requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement subject to the penalties provided by section 577.599. ---------- (L. 2014 S.B. 491, A.L. 2016 S.B. 657) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.441 - Employment exemption variance, permitted when — restrictions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.441. Employment exemption variance, permitted when — restrictions. —1. If a person is required to have an ignition interlock device installed on such person's vehicle, he or she may apply to the court for an employment exemption variance to allow him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for employment purposes only. Such exemption shall not be granted to a person who is self-employed or who wholly or partially owns or controls an entity that owns an employer-owned vehicle. 2. A person who is granted an employment exemption variance under subsection 1 of this section shall not drive, operate, or be in physical control of an employer-owned vehicle used for transporting children under eighteen years of age or vulnerable persons, as defined in section 630.005, or an employer-owned vehicle for personal use. ---------- (L. 2016 S.B. 657, A.L. 2017 H.B. 115 merged with S.B. 225)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.442 - Cost of interlock device may reduce amount of fine — vehicles affected — proof of compliance, when, report — maintenance cost — calibration checks.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.442. Cost of interlock device may reduce amount of fine — vehicles affected — proof of compliance, when, report — maintenance cost — calibration checks. —1. If a court imposes a fine and requires the use of an ignition interlock device for the same offense, the amount of the fine may be reduced by the cost of the ignition interlock device. 2. If the court requires the use of an ignition interlock device, it shall order the installation of the device on any vehicle which the offender operates during the period of probation or limited driving privilege. 3. If the court imposes the use of an ignition interlock device on a person having full or limited driving privileges, the court shall require the person to provide proof of compliance with the order to the court or the probation officer within thirty days of this court's order or sooner, as required by the court, in addition to any proof required to be filed with the director of revenue under the provisions of this chapter or chapter 577. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered in the court record, the court shall revoke or terminate the person's probation or limited driving privilege. 4. Nothing in sections 302.440 to 302.462 shall be construed to authorize a person to operate a motor vehicle whose driving privileges have been suspended or revoked, unless the person has obtained a limited driving privilege or restricted driving privilege under other provisions of law. 5. The person whose driving privilege is restricted pursuant to section 302.440 shall report to the court or the probation officer at least once annually, or more frequently as the court may order, on the operation of each ignition interlock device in the person's vehicle or vehicles. Such person shall be responsible for the cost and maintenance of the ignition interlock device. If such device is broken, destroyed or stolen, such person shall also be liable for the cost of replacement of the device. 6. The court may require a person whose driving privilege is restricted under section 302.440 to report to any officer appointed by the court in lieu of a probation officer. 7. The court shall require periodic calibration checks that are needed for the proper operation of the ignition interlock device. ---------- (L. 1995 S.B. 102 § 2, A.L. 2001 H.B. 302 & 38, A.L. 2008 S.B. 930 & 947, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.602; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.454 - Use of device shall be required, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.454. Use of device shall be required, when. —The court shall require the use of a certified ignition interlock device during the period of probation if the person is permitted to operate a motor vehicle, whether the privilege to operate a motor vehicle is restricted or not, as determined by the court. ---------- (L. 1995 S.B. 102 § 3, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.604; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.456 - Court shall send order to department of revenue — record keeping required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.456. Court shall send order to department of revenue — record keeping required. —The court shall send the order to the department of revenue in all cases where the driving privilege of a person is restricted pursuant to section 302.440. The order shall contain the requirement for, and the period of, the use of a certified ignition interlock device under sections 302.440 to 302.462. The records of the department of revenue shall contain a record reflecting mandatory use of the device. ---------- (L. 1995 S.B. 102 § 4, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.606; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.458 - Commission to certify devices, adopt guidelines — certification information, standards — consultation before certification.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.458. Commission to certify devices, adopt guidelines — certification information, standards — consultation before certification. —1. The state highways and transportation commission shall certify or cause to be certified ignition interlock devices required by sections 302.440 to 302.462 and publish a list of approved devices. 2. The commission shall adopt guidelines for the proper use of the ignition interlock devices in full compliance with sections 302.440 to 302.462. 3. The commission shall use information from an independent agency to certify ignition interlock devices on or off the premises of the manufacturer in accordance with the guidelines. The cost of certification shall be borne by the

manufacturers of interlock ignition devices. In certifying the devices, those which do not impede the safe operation of the vehicle and which have the fewest opportunities to be bypassed so as to render the provisions of sections 302.440 to 302.462 ineffective shall be certified. 4. No model of ignition interlock device shall be certified unless it meets the accuracy requirements specified by the guidelines of the commission. 5. Before certifying any device, the commission shall consult with the National Highway Traffic Safety Administration regarding the use of ignition interlock devices. ---------- (L. 1995 S.B. 102 § 5, A.L. 2014 H.B. 1299 Revision merged with S.B. 491) Transferred 2014; formerly 577.608; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.460 - Manufacturer warning required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.460. Manufacturer warning required. —The manufacturer shall affix to each ignition interlock device a label which shall contain a warning that any person tampering, circumventing or otherwise misusing the device is guilty of a class A misdemeanor. ---------- (L. 1995 S.B. 102 § 6, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.610; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.462 - Revocation, automatic, period — notification to department — reinstatement fee — limitation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.462. Revocation, automatic, period — notification to department — reinstatement fee — limitation. —1. In addition to any other provisions of law, upon a finding of guilt to a violation of section 577.599, the department of revenue shall revoke the person's driving privilege for one year from the date of conviction. 2. In addition to any other provision of law, if a person is found guilty of a second violation of section 577.599 during the same period of required use of an approved ignition interlock device, the department of revenue shall revoke the person's driving privilege for five years from the date of conviction. 3. The court shall notify the department of revenue of all guilty findings under section 577.599. 4. The department of revenue shall charge a reinstatement fee as required by section 302.304 prior to the reinstatement of any driving privilege suspended or revoked pursuant to this section. 5. No restricted or limited driving privilege shall be issued for any person whose license is revoked pursuant to this section. ---------- (L. 1995 S.B. 102 § 8, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.614; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.500 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.500. Definitions. —As used in sections 302.500 to 302.540, the following terms mean: (1)"Alcohol concentration", the amount of alcohol in a person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine; (2)"Department", the department of revenue of the state of Missouri; (3)"Director", the director of the department of revenue or his or her authorized representative; (4)"Driver's license"or"license", a license, permit, or privilege to drive a motor vehicle issued under or granted by the laws of this state. The term includes any temporary license or instruction permit, any nonresident operating privilege, and the privilege of any person to drive a motor vehicle whether or not the person holds a valid license; (5)"Revocation", the termination by formal action of the department of a person's license. A revoked license is not subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the revocation period; (6)"State", a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any province of Canada; (7)"Suspension", the temporary withdrawal by formal action of the department of a person's license. The suspension shall be for a period specifically designated by the department pursuant to the provisions of sections 302.500 to 302.540. ---------- (L. 1983 S.B. 318 & 135 § 2, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17 (1992) For purposes of determining whether record was clear of alcohol related offenses for ten years, an alcohol related enforcement contact occurs when the formal action to withdraw a person's license is taken by the department and not at the future date when the suspension actually takes effect. Fowler v. Director of Revenue, State, 823 S.W.2d 134 (Mo. App.). (1996) It is not double jeopardy to be guilty of DWI in violation of section 577.010 and to suspend driving privileges pursuant to sections 302.500, et seq. State v. Mayo, 915 S.W.2d 758 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.505 - Determination by department to suspend or revoke license, when made, basis — final, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.505. Determination by department to suspend or revoke license, when made, basis — final, when. —1. The department shall suspend or revoke the license of any person upon its determination that the person was arrested upon probable cause to believe such person was driving a motor vehicle while the alcohol concentration in the person's blood, breath, or urine was eight-hundredths of one percent or more by weight, based on the definition of alcohol concentration in section 302.500, or where such person was less than twenty-one years of age when stopped and was stopped upon probable cause to believe such person was driving while intoxicated in violation of section 577.010, or driving with excessive blood alcohol content in violation of section 577.012, or upon probable cause to believe such person violated a state,

county or municipal traffic offense and such person was driving with a blood alcohol content of two-hundredths of one percent or more by weight. 2. The department shall make a determination of these facts on the basis of the report of a law enforcement officer required in section 302.510, and this determination shall be final unless a hearing is requested and held. If a hearing is held, the department shall review the matter and make a final determination on the basis of evidence received at the hearing. 3. The determination of these facts by the department is independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition of those criminal charges shall not affect any suspension or revocation under this section. ---------- (L. 1983 S.B. 318 & 135 § 3, A.L. 1984 S.B. 608 & 681, A.L. 1991 S.B. 125 & 341, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38) Effective 9-29-01 (1985) Held that the provisions of this section are not impermissibly vague or violative of the equal protection clause. Vetter v. King (Mo. banc), 691 S.W.2d 255. (1986) Probable cause that a person has been "driving" under this section was found even though the machine stands motionless, where such person is found unconscious behind the wheel with the motor running and the transmission in "drive". Dalton v. McNeill, 713 S.W.2d 26 (Mo. App.). (1997) Where a driver was behind the wheel and had turned on the ignition of a vehicle parked in a driveway at the time of his arrest for driving while intoxicated, the driver was sufficiently in control of the vehicle to support an administrative suspension of his license. Lasley v. Director of Revenue, 954 S.W.2d 327 (Mo.banc). (2001) Motorist who was under age 21 and had a blood alcohol content of .133% when stopped was subject to license suspension; special safeguard provision requiring probable cause for the initial stop was not applicable. Baldwin v. Director of Revenue, 38 S.W.3d 401 (Mo.banc). (2001) License suspension and revocation proceeding is a civil proceeding and thus the Sixth Amendment's Confrontation Clause does not apply. Krieg v. Director of Revenue, 39 S.W.3d 574 (Mo.App.E.D.). (2003) Person sitting in driver's seat of vehicle, either asleep or unconscious and with key in ignition and engine running, is operating the vehicle within meaning of section. Cox v. Director of Revenue, 98 S.W.3d 548 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.510 - Arresting officer, duties — certain arrests not to be basis for administrative suspension or revocation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.510. Arresting officer, duties — certain arrests not to be basis for administrative suspension or revocation. —1. Except as provided in subsection 3 of this section, a law enforcement officer who arrests any person for a violation of any state statute related to driving while intoxicated or for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol-related traffic offense, and in which the alcohol concentration in the person's blood, breath, or urine was eight-hundredths of one percent or more by weight or two-hundredths of one percent or more by weight for anyone less than twenty-one years of age, shall forward to the department a certified report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated any state statute related to driving while intoxicated or was less than twenty-one years of age and was driving with two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol-related traffic offense, a report of the results of any chemical tests which were conducted, and a copy of the citation and complaint filed with the court. 2. The report required by this section shall be certified under penalties of perjury for making a false statement to a public official and made on forms supplied by the department or in a manner specified by regulations of the department. 3. A county or municipal ordinance prohibiting driving while intoxicated or a county or municipal alcohol-related traffic offense may not be the basis for suspension or revocation of a driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement officer, other than an elected peace officer or official, has been licensed by the director of the department of public safety pursuant to the provisions of chapter 590. ---------- (L. 1983 S.B. 318 & 135 § 4, A.L. 1984 S.B. 608 & 681, A.L. 1991 S.B. 125 & 341, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38, A.L. 2005 H.B. 487)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.515 - Notice of suspension or revocation by department — deemed received, when — contents.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.515. Notice of suspension or revocation by department — deemed received, when — contents. —1. Upon receipt of the report of the law enforcement officer, the department shall make the determination described in section 302.505. If the department determines that the person is subject to license suspension or revocation, and if notice of suspension or revocation has not already been served upon the person by the enforcement officer as required in section 302.520, the department shall issue a notice of suspension or revocation. 2. The notice of suspension or revocation shall be mailed to the person at the last known address shown on the department's records, and to the address provided by the enforcement officer's report if that address differs from the address of record. The notice is deemed received three days after mailing, unless returned by postal authorities. 3. The notice of suspension or revocation shall clearly specify the reason and statutory grounds for the suspension or revocation, the effective date of the suspension or revocation, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. ---------- (L. 1983 S.B. 318 & 135 § 5, A.L. 1984 S.B. 608 & 681)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.520 - Arresting officer to serve notice of suspension or revocation, when — to possess license,

issue temporary permit, give written notice of driver's rights and responsibilities — application for hearing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.520. Arresting officer to serve notice of suspension or revocation, when — to possess license, issue temporary permit, give written notice of driver's rights and responsibilities — application for hearing. —1. Whenever the chemical test results are available to the law enforcement officer while the arrested person is still in custody, and where the results show an alcohol concentration of eight-hundredths of one percent or more by weight of alcohol in such person's blood or where such person is less than twenty-one years of age and the results show that there is two-hundredths of one percent or more of alcohol in the person's blood, the officer, acting on behalf of the department, shall serve the notice of suspension or revocation personally on the arrested person. 2. When the law enforcement officer serves the notice of suspension or revocation, the officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license issued by this state, the officer, acting on behalf of the department, shall issue a temporary permit which is valid for fifteen days after its date of issuance and shall also give the person arrested a notice which shall inform the person of all rights and responsibilities pursuant to sections 302.500 to 302.540. The notice shall be in such form so that the arrested person may sign the original as evidence of receipt thereof. The notice shall also contain a detachable form permitting the arrested person to request a hearing. Signing the hearing request form and mailing such request to the department shall constitute a formal application for a hearing. 3. A copy of the completed notice of suspension or revocation form, a copy of any completed temporary permit form, a copy of the notice of rights and responsibilities given to the arrested person, including any request for hearing, and any driver's license taken into possession pursuant to this section shall be forwarded to the department by the officer along with the report required in section 302.510. 4. The department shall provide forms for notice of suspension or revocation, for notice of rights and responsibilities, for request for a hearing and for temporary permits to law enforcement agencies. ---------- (L. 1983 S.B. 318 & 135 § 6, A.L. 1984 S.B. 608 & 681, A.L. 1991 S.B. 125 & 341, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38) Effective 9-29-01

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.525 - Suspension or revocation, when effective, duration — restricted driving privilege — effect of suspension or revocation by court on charges arising out of same occurrence — revocation due to alcohol-related offenses, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.525. Suspension or revocation, when effective, duration — restricted driving privilege — effect of suspension or revocation by court on charges arising out of same occurrence — revocation due to alcohol-related offenses, requirements. —1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay. 2. The period of license suspension or revocation under this section shall be as follows: (1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate whether a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle that he or she operates is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, compliance with other requirements of law, and filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated; (2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years; (3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts until the person has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to

maintain such proof the restricted driving privilege shall be terminated. 3. For purposes of this section,"alcohol-related enforcement contacts"shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration. 4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods. 5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be suspended or revoked, until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor. ---------- (L. 1983 S.B. 318 & 135 § 7, A.L. 1984 S.B. 608 & 681, A.L. 1991 S.B. 125 & 341, A.L. 2002 H.B. 2062, A.L. 2008 S.B. 930 & 947, A.L. 2012 S.B. 480, A.L. 2013 S.B. 23, A.L. 2015 S.B. 254) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.530 - Request for administrative review, when made — temporary permit, duration — telephone hearings permitted, when — hearing, venue, conduct — decision, notice, final when — appeal for judicial review — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.530. Request for administrative review, when made — temporary permit, duration — telephone hearings permitted, when — hearing, venue, conduct — decision, notice, final when — appeal for judicial review — rulemaking authority. —1. Any person who has received a notice of suspension or revocation may make a request within fifteen days of receipt of the notice for a review of the department's determination at a hearing. If the person's driver's license has not been previously surrendered, it may be surrendered at the time the request for a hearing is made. 2. At the time the request for a hearing is made, if it appears from the record that the person is the holder of a valid driver's license issued by this state, and that the driver's license has been surrendered, the department shall issue a temporary permit which shall be valid until the scheduled date for the hearing. The department may later issue an additional temporary permit or permits in order to stay the effective date of the suspension or revocation until the final order is issued following the hearing, as required by section 302.520. 3. The hearing may be held by telephone, or if requested by the person, such person's attorney or representative, at a regional location as designated by the director. The hearing shall be conducted by examiners who are licensed to practice law in the state of Missouri and who are employed by the department on a part-time or full-time basis as the department may determine. 4. The sole issue at the hearing shall be whether by a preponderance of the evidence the person was driving a vehicle pursuant to the circumstances set out in section 302.505. The burden of proof shall be on the state to adduce such evidence. If the department finds the affirmative of this issue, the suspension or revocation order shall be sustained. If the department finds the negative of the issue, the suspension or revocation order shall be rescinded. 5. The procedure at such hearing shall be conducted in accordance with chapter 536, with sections 302.500 to 302.540. A report certified under subsection 2 of section 302.510 shall be admissible in a like manner as a verified report as evidence of the facts stated therein and any provision of chapter 536 to the contrary shall not apply. 6. The department shall promptly notify the person of its decision including the reasons for that decision. Such notification shall include a notice advising the person that the department's decision shall be final within fifteen days from the date such notice was mailed unless the person challenges the department's decision within that time period by filing an appeal in the circuit court in the county where the arrest occurred. 7. Unless the person, within fifteen days after being notified of the department's decision, files an appeal for judicial review pursuant to section 302.535, the decision of the department shall be final. 8. The director may adopt any rules and regulations necessary to carry out the provisions of this section. ---------- (L. 1983 S.B. 318 & 135 § 8, A.L. 1984 S.B. 608 & 681, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2005 H.B. 487, A.L. 2012 H.B. 1402) (1985) Statute abrogates the power of a circuit court judge to issue an order staying the revocation of petitioner's license upon application of petitioner. State ex rel. King v. Kinder (Mo. banc), 690 S.W.2d 408. (2002) Subsection 4 provision does not deprive agency or court of subject matter jurisdiction to hear challenge to notice of suspension. Whitelaw v. Director of Revenue, 73 S.W.3d 731 (Mo.App.E.D.).

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.535 - Trial de novo, conduct, venue, what judge may hear, when — restricted driving privilege, when, duration of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.535. Trial de novo, conduct, venue, what judge may hear, when — restricted driving privilege, when, duration of. —1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536. The petition shall be filed in the circuit court of the county where the arrest occurred. The case shall be decided by the judge sitting without a jury. Until January 1, 2002, the presiding judge of the circuit court may assign a traffic judge, pursuant to section 479.500, RSMo 1994, a circuit judge or an associate circuit judge to hear such petition. After January 1, 2002, pursuant to local court rule pursuant to Article V, Section 15 of the Missouri Constitution, the case may be assigned to a circuit judge or an associate circuit judge, or to a traffic judge pursuant to section 479.500. 2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. A restricted driving privilege as defined in section 302.010 shall be issued in accordance with subsection 2 of section 302.525, if the person's driving record shows no prior alcohol-related enforcement contact during the immediately preceding five years. Such restricted driving privilege shall terminate on the date of the disposition of the petition for trial de novo. 3. In addition to the restricted driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege as defined in section 302.010. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver. 4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license. ---------- (L. 1983 S.B. 318 & 135 § 9, A.L. 1984 S.B. 608 & 681, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38, A.L. 2002 H.B. 2062) (2010) On petition for judicial review of an administrative suspension by the Director of Revenue of a motorist's license to drive, based on blood alcohol content violation, Director has burden of production and burden of persuasion; rules of civil procedure govern the trial de novo. White v. Director of Revenue, 321 S.W.3d 298 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.536 - Department to pay court costs and attorney fees, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.536. Department to pay court costs and attorney fees, when. —If the judge upholds the department's ruling to suspend or revoke a person's license after a hearing conducted pursuant to subsection 1 of section 302.535, and the person appeals such ruling, the department shall pay any court costs and attorney fees the person incurs pursuant to such appeal if the court reverses the department's ruling to suspend or revoke such person's license. ---------- (L. 1996 H.B. 1169 & 1271 merged with S.B. 722)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.540 - Reinstatement of license — completion of substance abuse traffic offender program a condition — individual assessment, judicial review — fees and cost, distribution of — treatment demonstration project may be created.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.540. Reinstatement of license — completion of substance abuse traffic offender program a condition — individual assessment, judicial review — fees and cost, distribution of — treatment demonstration project may be created. —1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The

respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court. 2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provision of section 32.065 plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053. 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program. 4. Court-ordered participation in a substance abuse traffic offender program, pursuant to section 302.580, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked. 5. The division of alcohol and drug abuse of the department of mental health may create a treatment demonstration project within existing appropriations and shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program. As used in this subsection, a"serious or repeat offender"is one who was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by weight while operating a motor vehicle or a prior or persistent offender as defined in section 577.001. ---------- (L. 1983 S.B. 318 & 135 § 10, A.L. 1984 S.B. 608 & 681, A.L. 1993 S.B. 167, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38, A.L. 2002 H.B. 2062, A.L. 2003 H.B. 600, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.541 - Additional reinstatement fee, license to operate motor vehicle, when — proof of financial responsibility, not required, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.541. Additional reinstatement fee, license to operate motor vehicle, when — proof of financial responsibility, not required, when. —1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 302.410, 302.574, 577.010, or 577.012, or any county or municipal ordinance, where the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of eight-hundredths of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license. 2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303 as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525. ---------- (L. 1991 S.B. 125 & 341 § 2, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38, A.L. 2005 H.B. 353 merged with S.B. 37, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.545 - Expungement of records, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.545. Expungement of records, when. —1. Any person who is less than twenty-one years of age and whose driving privilege has been suspended or revoked, for a first determination under sections 302.500 to 302.540, that such person was driving with two-hundredths of one percent of blood alcohol content, shall have all official records and all recordations maintained by the department of revenue of such suspension or revocation expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs. Such expungement shall be performed by the department of revenue without need of a court order. No records shall be expunged if the person was found guilty or pled guilty to operating a commercial motor vehicle, as defined in section 302.700, or if the person was holding a commercial driver's license at the time of the offense, with a blood alcohol content of at least four-hundredths of one percent. 2. The provisions of this section shall not apply to any person whose license is suspended or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is convicted of any alcohol-related driving offense before the age of twenty-one including, but not limited to: (1) Driving while intoxicated pursuant to section 577.010; or (2)

Driving with excessive blood alcohol content pursuant to section 577.012. ---------- (L. 1996 H.B. 1169 & 1271 § 1 merged with S.B. 722 § 1, A.L. 2009 H.B. 683) (2001) Expungement of records allowed for twenty-year-old motorist who had a blood alcohol content of .133% when stopped. Baldwin v. Director of Revenue, 38 S.W.3d 401 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.574 - Temporary permit issued by officer, when — report required, contents — revocation of license, procedure — reinstatement, when — fees — proof of interlock device, when — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.574. Temporary permit issued by officer, when — report required, contents — revocation of license, procedure — reinstatement, when — fees — proof of interlock device, when — violations, penalty. —1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation. 2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following: (1) That the officer has: (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; (2) That the person refused to submit to a chemical test; (3) Whether the officer secured the license to operate a motor vehicle of the person; (4) Whether the officer issued a fifteen-day temporary permit; (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and (6) Any license, which the officer has taken into possession, to operate a motor vehicle. 3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year. 4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. Pursuant to local court rule promulgated pursuant to Section 15 of Article V of the Missouri Constitution, the case may also be assigned to a traffic judge pursuant to section 479.500. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only: (1) Whether the person was arrested or stopped; (2) Whether the officer had: (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and (3) Whether the person refused to submit to the test. 5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive. 6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed. 7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but shall not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood

alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court. 8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of behavioral health of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of behavioral health of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of behavioral health under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053. 9. Any administrator who fails to remit to the division of behavioral health of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of behavioral health of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program. 10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person shall maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor. 11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. 12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor. ---------- (L. 2014 S.B. 491, A.L. 2015 S.B. 254, A.L. 2019 H.B. 192 merged with H.B. 499)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.580 - Substance abuse traffic offender program, court may order participation in, when — professional assessment — supplemental fees, deposition — failure to remit, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.580. Substance abuse traffic offender program, court may order participation in, when — professional assessment — supplemental fees, deposition — failure to remit, penalty. —1. Upon a finding of guilt for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol- or drug-related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 302.010. 2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund, which is created in section 630.053. 3. Any administrator who fails to remit to the division of alcohol and drug abuse

of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and accrued interest. The court shall assess attorney fees and court costs against any delinquent program. ---------- (L. 1982 S.B. 513, A.L. 1993 S.B. 167, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2003 H.B. 600, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.049; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.584 - Rules, effective, when — rules invalid and void, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.584. Rules, effective, when — rules invalid and void, when. —Any rule or portion of a rule promulgated pursuant to this act shall become effective only as provided pursuant to chapter 536 including, but not limited to, section 536.028, if applicable, after August 28, 1997. All rulemaking authority delegated prior to August 28, 1997, is of no force and effect and repealed. The provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, if applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void. ---------- (L. 1997 S.B. 248 § 1, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.052; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.592 - Missouri uniform law enforcement system records, information entered by highway patrol, when, made available, to whom — failure to furnish records to patrol, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.592. Missouri uniform law enforcement system records, information entered by highway patrol, when, made available, to whom — failure to furnish records to patrol, penalty. —1. A record of the disposition in any court proceeding involving any criminal offense, infraction, or ordinance violation related to the operation of a vehicle while intoxicated or with an excessive blood alcohol content shall be forwarded to the department of revenue, within seven days by the clerk of the court in which the proceeding was held. The records shall be forwarded by the department of revenue, within fifteen days of receipt, to the Missouri state highway patrol and shall be entered by the highway patrol in the Missouri uniform law enforcement system records. Dispositions that shall be reported are guilty pleas, findings of guilt, suspended imposition of sentence, suspended execution of sentence, probation, conditional sentences, sentences of confinement, and any other such dispositions that may be required under state or federal regulations. The record forwarded by the clerk shall clearly state the name of the court, the court case number, the name, address, and motor vehicle operator's or chauffeur's license number of the person who is the subject of the proceeding, the code or number identifying the particular arrest, and any court action or requirements pertaining thereto. 2. All records received by the Missouri state highway patrol or the department of revenue under the provisions of this section shall be entered in the Missouri uniform law enforcement system records and maintained by the Missouri state highway patrol. Records placed in the Missouri uniform law enforcement system under the provisions of this section shall be made available to any law enforcement officer in this state, any prosecuting or circuit attorney in this state, or to any judge of a municipal or state court upon request. 3. A person commits the offense of refusal to furnish records of disposition if he or she is required to furnish records to the Missouri state highway patrol or department of revenue under this section and purposely refuses to furnish such records. The offense of refusal to furnish records of disposition is a class D misdemeanor. ---------- (L. 1982 S.B. 513, A.L. 1995 S.B. 3, A.L. 1997 S.B. 248, A.L. 2003 H.B. 613 merged with S.B. 468, A.L. 2007 H.B. 574, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.051; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.600 - Driver license compact.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.600. Driver license compact. —The "Driver License Compact" is hereby enacted into law and entered into by this state with all other states legally joining therein, in the form substantially as follows: DRIVER LICENSE COMPACT ARTICLE I Findings and Declaration of Policy (a) The party states find that: (1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles. (2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property. (3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated. (b) It is the policy of each of the party states to: (1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles. (2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states. ARTICLE II Definitions As used in this compact: (a)"State"means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. (b)"Home state"means the state which has

issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle. (c)"Conviction"means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority. ARTICLE III Reports of Conviction The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith. ARTICLE IV Effect of Conviction (a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of conviction for: (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle; (2) Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle; (3) Any felony in the commission of which a motor vehicle is used; (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another. (b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state. (c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denomination and description appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article. ARTICLE V Application for New Licenses Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if: (1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated. (2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways. (3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license. ARTICLE VI Applicability of Other Laws Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state. ARTICLE VII Compact Administrator and Interchange of Information (a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact. (b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact. ARTICLE VIII Entry Into Force and Withdrawal (a) This compact shall enter into force and become effective as to any state when it has enacted the same into law. (b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal. ARTICLE IX Construction and Severability This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. ---------- (L. 1985 H.B. 285 § 1) (2001) Use of word "shall" in Article III list of conviction reports without prescribing results that would follow from failure to provide all information makes section discretionary, not mandatory. Rundquist v. Director of Revenue, 62 S.W.3d 643 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.605 - Driver license compact — definitions — applicability of — reports to director of revenue, when, by whom.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.605. Driver license compact — definitions — applicability of — reports to director of revenue, when, by whom. —1. As used in the compact contained in section 302.600, the term"executive head"shall mean the governor of this state. 2. As used in the compact contained in section 302.600, the

term"licensing authority"shall mean the department of revenue of this state. The director of revenue shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact contained in section 302.600. 3. The director of the department of revenue, as compact administrator provided for in Article VII of the compact contained in section 302.600, shall not be entitled to any additional compensation on account of his or her service as such administrator. However, he or she shall be entitled to expenses incurred in connection with his or her duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment. 4. Any court or other agency of this state, or any subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive or operate a motor vehicle, shall report any such action and the adjudication upon which it is based to the director of the department of revenue in the manner and within the time prescribed by the director of the department by rule. 5. Article IV of the compact contained in section 302.600 shall apply to those offenses for which a license to drive or operate a motor vehicle may be suspended or revoked under the laws of this state, and any suspension or revocation therefor shall be governed by the provisions of law applicable to such suspension or revocation. ---------- (L. 1985 H.B. 285 § 2, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.700 - Citation of law — definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.700. Citation of law — definitions. —1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act". 2. When used in sections 302.700 to 302.780, the following words and phrases mean: (1)"Alcohol", any substance containing any form of alcohol, including, but not limited to, ethanol, methanol, propanol and isopropanol; (2)"Alcohol concentration", the number of grams of alcohol per one hundred milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath or the number of grams of alcohol per sixty-seven milliliters of urine; (3)"CDL driver", a person holding or required to hold a commercial driver's license (CDL); (4)"CDLIS driver record", the electronic record of the individual commercial driver's status and history stored by the state of record as part of the Commercial Driver's License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.; (5)"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the CDLIS driver record which meets the requirements for access to CDLIS information and is provided by states to users authorized in 49 CFR 384, subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.; (6)"Commercial driver's instruction permit", a commercial learner's permit issued to an individual by a state or other jurisdiction of domicile in accordance with the standards contained in 49 CFR 383, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid; (7)"Commercial driver's license (CDL)", a license issued by this state or other jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the individual to operate a class of commercial motor vehicle; (8)"Commercial driver's license downgrade", occurs when: (a) A driver changes the self-certification to interstate, but operates exclusively in transportation or operation excepted from 49 CFR 391, as provided in 49 CFR 390.3(f), 391.2, 391.68, or 398.3; (b) A driver changes the self-certification to intrastate only, if the driver qualifies under the state's physical qualification requirements for intrastate only; (c) A driver changes the self-certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or (d) The state removes the commercial driver's license privilege from the driver's license; (9)"Commercial driver's license information system (CDLIS)", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers; (10)"Commercial motor vehicle", a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property: (a) If the vehicle has a gross combination weight rating or gross combination weight of twenty-six thousand one or more pounds, whichever is greater, inclusive of a towed unit which has a gross vehicle weight rating or gross vehicle weight of more than ten thousand pounds, whichever is greater; (b) If the vehicle has a gross vehicle weight rating or gross vehicle weight of twenty-six thousand one or more pounds, whichever is greater; (c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or (d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Section 1801, et seq.); (11)"Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), and includes all substances listed in Schedules I through V of 21 CFR 1308, as they may be revised from time to time; (12)"Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay; (13)"Director", the director of revenue or his authorized representative; (14)"Disqualification", any of the following three actions: (a) The suspension, revocation, or cancellation of a commercial driver's license or commercial driver's instruction permit; (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a state, Canada, or Mexico as the result of a violation of federal, state, county, municipal, or local law relating to motor vehicle traffic control or violations committed through the operation of motor vehicles, other than parking, vehicle

weight, or vehicle defect violations; (c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR 383.52 or 391; (15)"Drive", to drive, operate or be in physical control of a commercial motor vehicle; (16)"Driver", any person who drives, operates, or is in physical control of a motor vehicle, or who is required to hold a commercial driver's license; (17)"Driver applicant", an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or commercial driver's instruction permit in this state; (18)"Driving under the influence of alcohol", the commission of any one or more of the following acts: (a) Driving a commercial motor vehicle with the alcohol concentration of four one-hundredths of a percent or more as prescribed by the Secretary or such other alcohol concentration as may be later determined by the Secretary by regulation; (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation of any federal or state law, or in violation of a county or municipal ordinance; (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol content in violation of any federal or state law, or in violation of a county or municipal ordinance; (d) Refusing to submit to a chemical test in violation of section 302.574, section 302.750, any federal or state law, or a county or municipal ordinance; or (e) Having any state, county or municipal alcohol-related enforcement contact, as defined in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years of age or older shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more; (19)"Driving under the influence of a controlled substance", the commission of any one or more of the following acts in a commercial or noncommercial motor vehicle: (a) Driving a commercial or noncommercial motor vehicle while under the influence of any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), including any substance listed in Schedules I through V of 21 CFR 1308, as they may be revised from time to time; (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition in violation of any federal or state law or in violation of a county or municipal ordinance; or (c) Refusing to submit to a chemical test in violation of section 302.574, section 302.750, any federal or state law, or a county or municipal ordinance; (20)"Electronic device", includes but is not limited to a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text; (21)"Employer", any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to operate such a vehicle; (22)"Endorsement", an authorization on an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles; (23)"Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm machinery, farm supplies, or a combination of these, within one hundred fifty miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand one pounds when transporting fertilizers as defined in subdivision (29) of this subsection; (24)"Fatality", the death of a person as a result of a motor vehicle accident; (25)"Felony", any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year; (26)"Foreign", outside the fifty states of the United States and the District of Columbia; (27)"Gross combination weight rating"or"GCWR", the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon; (28)"Gross vehicle weight rating"or"GVWR", the value specified by the manufacturer as the loaded weight of a single vehicle; (29)"Hazardous materials", any material that has been designated as hazardous under 49 U.S.C. Section 5103 and is required to be placarded under subpart F of CFR 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73. Fertilizers, including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not be considered hazardous materials when transported by a farm vehicle provided all other provisions of this definition are followed; (30)"Imminent hazard", the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begins to lessen the risk of that death, illness, injury, or endangerment; (31)"Issuance", the initial licensure, license transfers, license renewals, and license upgrades; (32)"Manual transmission"(also known as a stick shift, stick, straight drive or standard transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot. All other transmissions, whether semiautomatic or automatic, will be considered automatic for the purposes of the standardized restriction code; (33)"Medical examiner", a person who is licensed, certified, or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic; (34)"Medical variance", when a driver has received one of the following that allows the driver to be issued a medical certificate: (a) An exemption letter permitting operation of a commercial motor vehicle under 49 CFR 381, Subpart C or 49 CFR 391.64; (b) A skill performance evaluation certificate permitting operation of a commercial motor vehicle under 49 CFR 391.49; (35)"Mobile telephone", a mobile communication device that is classified as or uses any commercial mobile radio service, as defined in the regulations of the Federal Communications Commission, 47 CFR 20.3, but does not include two-way or citizens band radio services; (36)"Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks; (37)"Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in this section; (38)"Out of service", a temporary prohibition

against the operation of a commercial motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle, or the operation of a particular motor carrier; (39)"Out-of-service order", a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service under 49 CFR 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-Service Criteria; (40)"School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary; (41)"Secretary", the Secretary of Transportation of the United States; (42)"Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege: (a) Excessive speeding, as defined by the Secretary by regulation; (b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed; (c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation; (d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance; (e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense; (f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance; (g) Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle; (h) Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle; or (i) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the Secretary by regulation; (43)"State", a state of the United States, including the District of Columbia; (44)"Tank vehicle", any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached to a flatbed trailer is not considered a tank vehicle; (45)"Texting", manually entering alphanumeric text into, or reading text from, an electronic device. This action includes but is not limited to short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include: (a) Inputting, selecting, or reading information on a global positioning system or navigation system; (b) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or (c) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose that is not otherwise prohibited in this part; (46)"United States", the fifty states and the District of Columbia. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 H.B. 251, A.L. 1995 H.B. 717, A.L. 2003 H.B. 371, A.L. 2004 S.B. 1233, et al., A.L. 2009 H.B. 683, A.L. 2012 H.B. 1402 merged with S.B. 470 merged with S.B. 480 merged with S.B. 568, A.L. 2013 H.B. 103, A.L. 2014 S.B. 491, A.L. 2018 S.B. 975 & 1024 Revision)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.705 - Commercial motor vehicle operator, only one license — age requirements — notice to employer and director upon conviction for motor vehicle violation, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.705. Commercial motor vehicle operator, only one license — age requirements — notice to employer and director upon conviction for motor vehicle violation, when. —1. No person who drives a commercial motor vehicle shall have more than one driver's license. 2. No person is eligible for a commercial driver's license who is under eighteen years of age, except any person transporting a hazardous material must be at least twenty-one years of age. 3. Any driver of a commercial motor vehicle holding a commercial driver's license issued by this state, and who is convicted of violating any state law or county or municipal ordinance regulating the operation of motor vehicles in any other state, other than parking violations, shall notify the director in writing on a form prescribed by the director within thirty days of the date of conviction. Upon notification of such conviction the director may apply the conviction information to the driver's record. If such conviction would result in disqualification of the license under sections 302.700 to 302.780, the director shall disqualify the license in accordance with sections 302.700 to 302.780. 4. Any driver of a commercial motor vehicle holding a commercial driver's license issued by this state, and who is convicted of violating any state law or county or municipal ordinance regulating the operation of motor vehicles in this or any other state, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.710 - Suspension, revocation or cancellation of license, notice to employer, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.710. Suspension, revocation or cancellation of license, notice to employer, when. —A driver whose commercial driver's license is suspended, revoked, or cancelled by any state, or who loses the privilege to drive a commercial motor vehicle in any state for any period, including being disqualified from driving a commercial motor vehicle, or who is subject to an out of service order, shall notify his or her employer of that fact before the end of the business day following the day the driver received notice of that fact. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.720 - Operation without license prohibited, exceptions — instruction permit, use, duration, fee — license, test required, contents, fee — certification of third-party testers — certain persons prohibited from obtaining license, exceptions — testing accommodations for applicants with disabilities, rules, null and void when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.720. Operation without license prohibited, exceptions — instruction permit, use, duration, fee — license, test required, contents, fee — certification of third-party testers — certain persons prohibited from obtaining license, exceptions — testing accommodations for applicants with disabilities, rules, null and void when. —1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be nonrenewable and shall be valid for the vehicle being operated for a period of not more than one year, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. The fee for such permit shall be ten dollars. The fee for a duplicate of such commercial driver's instruction permit shall be five dollars. 2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Beginning January 1, 2020, all applicants for a commercial driver's license shall complete any entry-level driver training program as established and required under 49 CFR 380.609. All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary. (1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test. (2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. (3) Beginning August 28, 2006, the director shall issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived. (4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee

shall be paid upon completion of such tests. (5) The director shall have the authority to waive the driving skills and written tests for any qualified current or former military service member applicant for a commercial driver's instruction permit or a commercial driver's license who is currently licensed at the time of application for a commercial driver's instruction permit or commercial driver's license. The director shall impose conditions and limitations and require certification and evidence to restrict the applicants from whom the department may accept the alternative requirements for the skills and written tests described in federal regulations 49 CFR 383.71 and 49 CFR 383.77. Applicants shall meet all federal and state qualifications to operate a commercial vehicle. Applicants shall be required to complete all applicable tests, except when the applicant provides proof of approved military training sufficient for waiver of the written knowledge and skills tests as specified in this subdivision and subdivision (5) of subsection 3 of section 302.170. 3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation. 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536. 5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006. 6. Notwithstanding the provisions of this section or any other law to the contrary, beginning December 1, 2019, the director of the department of revenue shall certify as a third-party tester any private education institution or other private entity, provided the institution or entity meets the necessary qualifications required by the state. 7. The director shall adopt and promulgate rules and regulations establishing a process for applicants with disabilities to request testing accommodations with respect to both the written and driving tests required under this section and to establish criteria for awarding such accommodations. The rules shall specify that a hearing test shall not be a component of the written test or driving test for any applicant who is deaf or hard of hearing. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void. 8. If the United States Secretary of Transportation determines that subsection 7 of this section has the effect of placing the state of Missouri in noncompliance with any federal constitutional, statutory, or regulatory provision that would result in the loss of any federal aid funds to the Missouri highways and transportation commission, then subsection 7 of this section shall be null and void. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2004 S.B. 1233, et al., A.L. 2006 S.B. 1001, et al., A.L. 2007 S.B. 82, A.L. 2008 H.B. 1549, et al. merged with S.B. 930 & 947, A.L. 2013 H.B. 103, A.L. 2019 S.B. 89 merged with S.B.368, A.L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.721 - Third-party commercial driver license examination program created, purpose, funding — rules.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.721. Third-party commercial driver license examination program created, purpose, funding — rules. —1. There shall be created a "Third-Party Commercial Driver License Examination Program" within the department of revenue. The purpose of this program is to certify third-party commercial driver license examination programs and administer compliance requirements of third-party commercial driver license examination programs in the state of Missouri. 2. Funds may be appropriated from the state highways and transportation department fund for department of revenue administrative costs associated with initial certification and subsequent renewal certification requirements associated with third-party commercial driver license examination programs and determining compliance of all regulations that are required to be adhered to by third-party commercial driver license examination programs in the state of Missouri. Funds may also be appropriated from the state highways and transportation department fund for the highway patrol for functions related to the testing, auditing, retesting, and compliance of commercial driver license third-party examination programs, and the administration of the state CDL testing program. (1) The director of revenue shall promulgate rules and regulations necessary to administer the certification and compliance programs established pursuant to this section. Any rule promulgated regarding commercial driver license third-party examination certification or compliance shall be promulgated in coordination with the superintendent of the highway patrol. (2) Any rule promulgated by the director of revenue and the superintendent of the highway patrol regarding compliance requirements for third-party commercial driver license examination programs shall require the superintendent to reexamine a minimum of ten percent of those drivers who have passed the CDL skills examination administered by a certified third-party commercial driver license examination program in the state of Missouri. 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void. ---------- (L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.723 - Deaf and hard of hearing, accommodations for training and application process — null and void, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.723. Deaf and hard of hearing, accommodations for training and application process — null and void, when. —1. Notwithstanding any other provision of law, any entity providing commercial driver's license training to persons preparing to apply for commercial driver's licenses under the provisions of sections 302.700 to 302.780 shall provide reasonable accommodations for persons who are deaf or hard of hearing. 2. If the United States Secretary of Transportation determines that this section or subsection 7 of section 302.720 has the effect of placing the state of Missouri in noncompliance with any federal constitutional, statutory, or regulatory provision that would result in the loss of any federal aid funds to the Missouri highways and transportation commission, then this section shall be null and void. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.725 - Driving without commercial driver's license, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.725. Driving without commercial driver's license, penalty. —Any person who drives a commercial motor vehicle without the proper class of license or applicable endorsements valid for the type of vehicle being operated, or a commercial driver's instruction permit, or a receipt which indicates the driver is qualified to drive a commercial motor vehicle, or who violates license restrictions in any state, or driving a commercial motor vehicle without a commercial driver's license in his or her possession shall be guilty of a class A misdemeanor. Any individual who provides proof to the court which has jurisdiction over the issued citation by the date the individual must appear in court or pay any fine for such a violation that the individual held a valid commercial driver's license on the date the citation was issued shall not be guilty of this offense. No court shall suspend the imposition of sentence as to such person nor sentence such person to a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Upon receipt of such conviction the director shall disqualify such person's privilege to drive a commercial motor vehicle pursuant to section 302.755. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 2004 S.B. 1233, et al.) Effective 9-30-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.727 - Driving a commercial motor vehicle while revoked, crime of, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.727. Driving a commercial motor vehicle while revoked, crime of, penalty. —1. A person commits the offense of driving a commercial motor vehicle while revoked if such person operates a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's commercial driver license is revoked, suspended, or cancelled, or the driver is disqualified from operating a commercial motor vehicle. 2. Any person convicted of driving a commercial motor vehicle while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving a commercial motor vehicle while revoked or a county or municipal ordinance of driving a commercial motor vehicle while suspended or revoked where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving a commercial motor vehicle while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving a commercial motor vehicle while revoked or a county or municipal ordinance of driving a commercial motor vehicle while suspended or revoked where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving a commercial motor vehicle while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class E felony. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he or she has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving a commercial motor vehicle while revoked is a class E felony on the second or subsequent conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other offense. ---------- (L. 2004 S.B. 1233, et al., A.L. 2014 S.B. 491) Effective 1-01-17

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.730 - Nonresident may operate commercial motor vehicles, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.730. Nonresident may operate commercial motor vehicles, when. —1. Notwithstanding any provision of law to the contrary, a nonresident may drive a commercial motor vehicle if the person has a commercial driver's license or a commercial driver's instruction permit issued by any state in accordance with the minimum federal standards established by the secretary and the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), which license is not suspended, revoked, or cancelled, and who is not otherwise disqualified from operating a commercial motor vehicle or subject to an out of service order in any state. 2. Any commercial motor vehicle driver who has been licensed in another state in accordance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), and has moved into this state before July 1, 1990, or such other effective date as stated in section 307.782, shall apply for a license in this state, which license shall not be issued before July 27, 1989, and such person shall be allowed to operate a commercial motor vehicle with the license issued by such other state until the director requires the person to obtain a commercial driver's license issued by this state. ---------- (L. 1989 1st Ex. Sess. H.B. 3) Effective 7-27-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.735 - Application for commercial license, contents, expiration, duration, fees — new resident, application dates — falsification of information, ineligibility for license, when — nondomiciled commercial license issued, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.735. Application for commercial license, contents, expiration, duration, fees — new resident, application dates — falsification of information, ineligibility for license, when — nondomiciled commercial license issued, when. —1. An application shall not be taken from a nonresident after September 30, 2005. The application for a commercial driver's license shall include, but not be limited to, the applicant's legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director. The application shall also require, beginning September 30, 2005, the applicant to provide the names of all states where the applicant has been previously licensed to drive any type of motor vehicle during the preceding ten years. 2. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director, and must be renewed on or before the date of expiration. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. A commercial license issued pursuant to this section to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in the third year after issuance, unless the license must be issued for a shorter period as determined by the director. 3. A commercial driver's license containing a hazardous materials endorsement issued to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a period exceeding five years from the approval date of the security threat assessment as determined by the Transportation Security Administration. 4. The director shall issue an annual commercial driver's license containing a school bus endorsement to an applicant who is seventy years of age or older. The fee for such license shall be seven dollars and fifty cents. 5. A commercial driver's license containing a hazardous materials endorsement issued to an applicant who is seventy years of age or older shall not be issued for a period exceeding three years. The director shall not require such drivers to obtain a security threat assessment more frequently than such assessment is required by the Transportation Security Administration under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001. (1) The state shall immediately revoke a hazardous materials endorsement upon receipt of an initial determination of threat assessment and immediate revocation from the Transportation Security Administration as defined by 49 CFR 1572.13(a). (2) The state shall revoke or deny a hazardous materials endorsement within fifteen days of receipt of a final determination of threat assessment from the Transportation Security Administration as required by CFR 1572.13(a). 6. The fee for a commercial driver's license or renewal commercial driver's license issued for a period greater than three years shall be forty dollars. 7. The fee for a commercial driver's license or renewal commercial driver's license issued for a period of three years or less shall be twenty dollars. 8. The fee for a duplicate commercial driver's license shall be twenty dollars. 9. In order for the director to properly transition driver's license requirements under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for any fees, including driver examination fees that are incurred by the driver as a result of the initial issuance of a transitional license required to comply with such acts. 10. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state. 11. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or

the person's commercial driver's license shall be cancelled, for a period of one year after the director discovers such falsification. 12. Beginning July 1, 2005, the director shall not issue a commercial driver's license under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. If lawful presence is granted for a temporary period, no commercial driver's license shall be issued. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any commercial driver's license issued under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536. 13. (1) Effective December 19, 2005, notwithstanding any provisions of subsections 1 and 5 of this section to the contrary, the director may issue a nondomiciled commercial driver's license or commercial driver's instruction permit to a resident of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 CFR 383. (2) Any applicant for a nondomiciled commercial driver's license or commercial driver's instruction permit must present evidence satisfactory to the director that the applicant currently has employment with an employer in this state. The nondomiciled applicant must meet the same testing, driver record requirements, conditions, and is subject to the same disqualification and conviction reporting requirements applicable to resident commercial drivers. (3) The nondomiciled commercial driver's license will expire on the same date that the documents establishing lawful presence for employment expire. The word "nondomiciled" shall appear on the face of the nondomiciled commercial driver's license. Any applicant for a Missouri nondomiciled commercial driver's license or commercial driver's instruction permit must first surrender any nondomiciled commercial driver's license issued by another state. (4) The nondomiciled commercial driver's license applicant must pay the same fees as required for the issuance of a resident commercial driver's license or commercial driver's instruction permit. 14. Foreign jurisdiction for purposes of issuing a nondomiciled commercial driver's license or commercial driver's instruction permit under this section shall not include any of the fifty states of the United States or Canada or Mexico. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 1999 S.B. 19, A.L. 2001 S.B. 436, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2008 S.B. 930 & 947, A.L. 2009 H.B. 683, A.L. 2013 H.B. 103)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.740 - License, manufacture of, requirements — driving information to be obtained prior to issue of license, notice to commercial driver license information system, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.740. License, manufacture of, requirements — driving information to be obtained prior to issue of license, notice to commercial driver license information system, when. —1. The commercial driver's license shall be manufactured of materials and processes that will prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. Such license shall include, but not be limited to, the following information: a colored photograph of the person, the legal name and address of the person, a physical description of the person, including sex, height, weight and eye color, the person's driver's license number or such other number or identifier deemed appropriate by the director or the Secretary, the date of birth, class or type of commercial motor vehicle or vehicles which the person is authorized to drive, the name of this state, and the words "COMMERCIAL DRIVER'S LICENSE" or "CDL", the dates of issuance and expiration, the person's signature and such other information as the director prescribes. 2. Before issuing a commercial driver's license, the director shall obtain driving record information from sources including, but not limited to, the national driver's register, the commercial driver's license information system, and any state driver's licensing system in which the person has been licensed; except that the director shall only be required to obtain the complete driving record from each state the person has ever been licensed in when such person is issued an initial commercial driver's license or renews his or her commercial driver's license for the first time. The director shall maintain a notation in the driving record system of the date when he or she has obtained the driving records from all other states which the person has been licensed. 3. Within ten days after issuing a commercial driver's license, the director shall notify the commercial driver's license information system of such fact, providing all information required to ensure identification of the person. For the purpose of this subsection, the date of issuance shall be the date the commercial driver's license is mailed to the applicant. 4. The commercial driver's license shall indicate the class of vehicle the person may drive and any applicable endorsements or restrictions. Commercial driver's license classifications, endorsements and restrictions shall be in compliance with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) and those prescribed by the director. The commercial driver's license driving record shall contain a complete history of the driver, including information and convictions from previous states of licensure. 5. The commercial driver's instruction permit shall include but not be limited to the same data elements as a commercial driver's license and the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT" and such other information as the director or Secretary prescribes. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2004 S.B. 1233, et al., A.L. 2013 H.B. 103)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.745 - Chemical tests, requirements — implied consent given, limits — use as evidence, test results.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.745. Chemical tests, requirements — implied consent given, limits — use as evidence, test results. —1. All chemical tests required herein for the enforcement of sections 302.700 to 302.780 shall be conducted using the same procedures, methods, waivers of liability, persons and facilities as those described in chapter 577 except as provided in sections 302.700 to 302.780. Nothing contained in chapter 577 shall be construed to require a

person to be placed under arrest prior to his or her being requested to submit to a chemical test under this section. 2. A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to the provisions of this section, to a chemical test or tests of his or her breath, blood, saliva or urine for the purpose of determining his alcohol concentration, or the presence of controlled substances in his or her system. 3. A test or tests may be administered for the purposes of enforcing sections 302.700 to 302.780, at the direction of a law enforcement officer, who has reason to believe that the driver was driving a commercial motor vehicle while having any amount of alcohol or controlled substances in his or her system. 4. The implied consent to submit to the chemical tests listed in subsection 2 of this section shall be limited to not more than two such tests arising from the same arrest, stop, incident, or charge. 5. Upon the request of a person who is tested, full information concerning the test shall be made available to him or her. 6. Upon the trial of any person for violation of this section or upon the trial of any criminal action or violations of county or municipal ordinances arising out of acts alleged to have been committed by any person while driving a commercial motor vehicle under the influence of alcohol or controlled substances, the amount of alcohol or controlled substance in the person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence, if otherwise admissible. Nothing contained in this section shall be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was operating a commercial motor vehicle while under the influence of alcohol or controlled substances. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.750 - Refusal to consent to test, effect — procedures — hearing allowed, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.750. Refusal to consent to test, effect — procedures — hearing allowed, when. —1. If a person refuses, upon the request of a law enforcement officer pursuant to section 302.745, to submit to any test allowed under that section, evidence of the refusal shall be admissible in any proceeding to determine whether a person was operating a commercial motor vehicle while under the influence of alcohol or controlled substances. In this event, the officer shall make a sworn report to the director that he or she requested a test pursuant to section 302.745 and that the person refused to submit to such testing. 2. A person requested to submit to a test as provided by section 302.745 shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in that person being immediately placed out of service for a period of twenty-four hours and being disqualified from operating a commercial motor vehicle for a period of not less than one year if for a first refusal to submit to the test and for life if for a second or subsequent refusal to submit to the test. The director may issue rules and regulations, in accordance with guidelines established by the secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years. 3. Upon receipt of the sworn report of a law enforcement officer submitted under subsection 1 of this section, the director shall disqualify the driver from operating a commercial motor vehicle. 4. If a person has been disqualified from operating a commercial motor vehicle because of his refusal to submit to a chemical test, he or she may request a hearing before a court of record in the county in which the request was made. Upon his or her request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the officer. At the hearing the judge shall determine only: (1) Whether or not the law enforcement officer had reasonable grounds to believe that the person was driving a commercial motor vehicle with any amount of alcohol in his or her system; (2) Whether or not the person refused to submit to the test. 5. If the judge determines any issues not to be in the affirmative, he or she shall order the director to reinstate the privilege to operate a commercial motor vehicle. 6. Requests for review as herein provided shall go to the head of the docket of the court wherein filed. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2010 H.B. 1695, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.755 - Violations, disqualification from driving, duration, penalties — reapplication procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.755. Violations, disqualification from driving, duration, penalties — reapplication procedure. —1. A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of: (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525; (2) Driving a commercial motor vehicle which causes a fatality through the negligent operation of the commercial motor vehicle, including but not limited to the offenses of vehicular manslaughter, homicide by motor vehicle, and negligent homicide; (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727; (4) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person; (5) Using a commercial or noncommercial motor vehicle in the commission of any felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section. 2. If any of the violations described in subsection 1 of this section occur while transporting a hazardous material the person is disqualified for a period of not less than three years. 3. Any person is disqualified from operating a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection 1 of this section, or any combination of those offenses, arising from two or more separate incidents. The director may issue rules and regulations, in accordance with guidelines established by the Secretary, under which a disqualification for life under this section may be reduced to a period of not less than ten years. 4. Any person is disqualified from driving a commercial motor vehicle for life who uses a commercial or noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent

to manufacture, distribute, or dispense a controlled substance. 5. Any person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, arising from separate incidents occurring within a three-year period. 6. Any person found to be operating a commercial motor vehicle while having any measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour out-of-service order by a law enforcement officer in this state. 7. Any person who is convicted of operating a commercial motor vehicle beginning at the time of issuance of the out-of-service order until its expiration is guilty of a class A misdemeanor. 8. Any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR 383, or as amended by the Secretary. 9. Any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in 49 CFR 383, or as amended by the Secretary. 10. Any person convicted of driving while out of service on a third or subsequent occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of three years. 11. Any person convicted of a first violation of an out-of-service order while transporting hazardous materials or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, is disqualified for a period of one hundred eighty days. 12. Any person convicted of any subsequent violation of an out-of-service order in a separate incident within ten years after a previous violation, while transporting hazardous materials or while operating a motor vehicle designed to transport fifteen passengers, including the driver, is disqualified for a period of three years. 13. Any person convicted of any other offense as specified by regulations promulgated by the Secretary of Transportation shall be disqualified in accordance with such regulations. 14. After suspending, revoking, cancelling, or disqualifying a driver, the director shall update records to reflect such action and notify a nonresident's licensing authority and the commercial driver's license information system within ten days in the manner prescribed in 49 CFR 384, or as amended by the Secretary. 15. Any person disqualified from operating a commercial motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license cancelled, and upon conclusion of the period of disqualification shall take the written and driving tests and meet all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation shall not be withdrawn by the director until such person reapplies for a commercial driver's license in this or any other state after meeting all requirements of sections 302.700 to 302.780. 16. The director shall disqualify a driver upon receipt of notification that the Secretary has determined a driver to be an imminent hazard pursuant to 49 CFR 383.52. Due process of a disqualification determined by the Secretary pursuant to this section shall be held in accordance with regulations promulgated by the Secretary. The period of disqualification determined by the Secretary pursuant to this section shall be served concurrently to any other period of disqualification which may be imposed by the director pursuant to this section. Both disqualifications shall appear on the driving record of the driver. 17. The director shall disqualify a commercial license holder or operator of a commercial motor vehicle from operation of any commercial motor vehicle upon receipt of a conviction for an offense of failure to appear or pay, and such disqualification shall remain in effect until the director receives notice that the person has complied with the requirement to appear or pay. 18. The disqualification period must be in addition to any other previous periods of disqualification in the manner prescribed in 49 CFR 383, or as amended by the Secretary, except when the major or serious violations are a result of the same incident. 19. Any person is disqualified from driving a commercial motor vehicle for life for being convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined in U.S.C. 7102(11)*. A disqualification for life under this subsection shall not be reduced. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717, A.L. 2004 S.B. 1233, et al., A.L. 2009 H.B. 683, A.L. 2013 H.B. 103, A.L. 2014 S.B. 491, A.L. 2021 S.B. 262) *This reference appears to be to 22 U.S.C. Section 7102(11).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.756 - Violation of out-of-service order by driver or employer knowing driver is in violation, civil penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.756. Violation of out-of-service order by driver or employer knowing driver is in violation, civil penalties. —1. Notwithstanding any other provision of law to the contrary, any driver who violates or fails to comply with an out-of-service order is subject to a civil penalty not to exceed an amount as determined by the Secretary pursuant to 49 CFR Part 383, or as amended by the Secretary, in addition to disqualification as provided by law. Any civil penalty established in this section shall not become effective and enforced until October 1, 1996. 2. Any employer who violates an out-of-service order, or who knowingly requires or permits or authorizes a driver to violate or fail to comply with an out-of-service order or to commit a railroad crossing violation, is subject to a civil penalty not to exceed an amount as determined by the Secretary pursuant to 49 CFR Part 383, or as amended by the Secretary. 3. The chief counsel to the state highways and transportation commission shall bring an action in accordance with the procedures under section 390.156 to recover a civil penalty under this section against a driver who violates or fails to comply with an out-of-service order, or against an employer who violates an out-of-service order or knowingly requires or permits a driver to violate or fail to comply with an out-of-service order, or both. 4. In addition to any other remedies under this section, actions under this section may be brought against a driver or employer who violates or fails to comply with an out-of-service order with reference to a motor vehicle or combination of motor vehicles used in intrastate commerce which has a capacity of more than five passengers, excluding the driver. ---------- (L. 1995 H.B. 717, A.L. 2004 S.B. 1233, et al.) Effective 9-30-05

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.760 - Nonresidents, action against license, notice to licensing state, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.760. Nonresidents, action against license, notice to licensing state, when. —Within ten days after conviction, suspension, revocation, cancellation or disqualification of any nonresident holder of a commercial driver's license or any nonresident who is required to possess a commercial driver's license for any violation committed in a vehicle of state law or any county or municipal ordinance regulating the operation of motor vehicles, other than parking violations, the director shall notify the driver's licensing authority in the licensing state of such action in the manner prescribed in 49 CFR Part 384, or as amended by the Secretary. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2004 S.B. 1233, et al.) Effective 9-30-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.765 - Rules and regulations, promulgation of, procedure — driving instruction programs of state colleges and universities to be approved.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.765. Rules and regulations, promulgation of, procedure — driving instruction programs of state colleges and universities to be approved. —1. The director may adopt any rules and regulations necessary to carry out the provisions of sections 302.700 to 302.780. No rule or portion of a rule promulgated under the authority of sections 302.700 to 302.780 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. 2. The director shall adopt a rule approving driving instruction programs presently provided by a Missouri state college, a Missouri state university or a Missouri state community college. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.768 - Compliance with federal law, certification required — application requirements, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.768. Compliance with federal law, certification required — application requirements, procedure. —1. Any applicant for a commercial driver's license or commercial driver's instruction permit shall comply with the Federal Motor Carrier Safety Administration application requirements of 49 CFR Part 383.71 by certifying to one of the following applicable statements relating to federal and state driver qualification rules: (1) Nonexcepted interstate: certifies the applicant is a driver operating or expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate as defined in 49 CFR Part 391.45; (2) Excepted interstate: certifies the applicant is a driver operating or expecting to operate entirely in interstate commerce that is not subject to Part 391 and is subject to Missouri driver qualifications and not required to obtain a medical examiner's certificate; (3) Nonexcepted intrastate: certifies the applicant is a driver operating only in intrastate commerce and is subject to Missouri driver qualifications; (4) Excepted intrastate: certifies the applicant operates or expects to operate only in intrastate commerce, and engaging only in operations excepted from all parts of the Missouri driver qualification requirements. 2. Any applicant who cannot meet certification requirements under one of the categories described in subsection 1 of this section shall be denied issuance of a commercial driver's license or commercial driver's instruction permit. 3. An applicant certifying to operation in nonexcepted interstate or nonexcepted intrastate commerce shall provide the state with an original or copy of a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver. Documentation required under this subsection may be provided in person, or may be provided by mail, facsimile, or electronic mail, or through a verification system approved by the Federal Motor Carrier Safety Administration. The state shall retain the documentation of physical qualification for a minimum of three years beyond the date the certificate was issued. 4. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce shall provide updated medical certificate or variance information to maintain a certified status during the term of the commercial driver's license or commercial driver's instruction permit in order to retain commercial privileges. 5. The director shall post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification and certification status to the Missouri driver record within ten calendar days and such information will become part of the CDLIS driver record. 6. Applicants certifying to operation in nonexcepted interstate commerce or nonexcepted intrastate commerce who fail to provide or maintain a current medical examiner's certificate, or if the state has received notice of a medical variance or waiver expiring or being rescinded, the state shall, within ten calendar days, update the driver's medical certification status to "not certified". The state shall notify the driver of the change in certification status and require the driver to annually comply with requirements for a commercial driver's license downgrade within sixty days of the expiration of the applicant certification. 7. The department of revenue may, by rule, establish the cost and criteria for submission of updated medical certification status information as required under this section. 8. Any person who falsifies any information in an application for or update of medical certification status information for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be cancelled for a period of one year after the director discovers such falsification. 9. The director may promulgate rules and regulations necessary to administer and enforce this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section

shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void. ---------- (L. 2012 H.B. 1402 merged with S.B. 470 merged with S.B. 480 merged with S.B. 568, A.L. 2019 S.B. 89 merged with S.B. 368, A.L. 2023 S.B. 167 & 171)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.769 - Contingent effective date.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.769. Contingent effective date. —The repeal and reenactment of section 302.700 and the enactment of section 302.768 of this act*shall become effective on the date the director of the department of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting commercial driver license medical certifications under sections 302.700 and 302.768 prior to May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact**. ---------- (L. 2012 H.B. 1402 § C merged with S.B. 470 § B merged with S.B. 480 § B merged with S.B. 568 § C) *"This act" (H.B. 1402 merged with S.B. 470 merged with S.B. 480 merged with S.B. 568, 2012) contained numerous sections. Consult Disposition of Sections table for a definitive listing. **Revisor's Note: The Revisor of Statutes did not receive notification from the Department of Revenue prior to May 1, 2013.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.770 - Cooperation with other jurisdictions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.770. Cooperation with other jurisdictions. —The director may execute or make agreements, arrangements, or declarations to carry out the provisions of sections 302.700 to 302.780 with the licensing authorities of other states, a territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Mexico, and the provinces or territories of Canada. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 1995 H.B. 717)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.775 - Provisions of law not applicable, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.775. Provisions of law not applicable, when. —The provisions of sections 302.700 to 302.780 shall not apply to: (1) Any person driving a farm vehicle as defined in section 302.700 which is: (a) Controlled and operated by a farmer, including operation by employees or family members; (b) Used to transport agricultural products, farm machinery, farm supplies, or both, to or from a farm; (c) Not used in the operations of a common or contract motor carrier; and (d) Used within two hundred forty-one kilometers or one hundred fifty miles of the farmer's farm; (2) Any active duty military personnel, members of the reserves and National Guard on active duty, including personnel on full-time National Guard duty, personnel on part-time training and National Guard military technicians, while driving vehicles for military purposes; (3) Any person who drives emergency or fire equipment necessary to the preservation of life or property or the execution of emergency governmental functions under emergency conditions; (4) Any person qualified to operate the equipment under subdivision (3) of this section when operating such equipment in other functions such as parades, special events, repair, service or other authorized movements; (5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010 and 700.010, for personal use; and (6) Any other class of persons exempted by rule or regulation of the director, which rule or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any amendments or regulations drafted to that act. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2004 S.B. 757 merged with S.B. 788, A.L. 2009 H.B. 683)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 302 - Drivers' and Commercial Drivers' LicensesSection 302.780 - Unlawful acts, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 302 302.780. Unlawful acts, penalty. —1. It shall be unlawful for a person to: (1) Drive a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property; or (2) Drive a commercial motor vehicle while under the influence of any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as they may be revised from time to time. 2. Except as otherwise provided for in sections 302.700 to 302.780, whenever the doing of anything is required or is prohibited or is declared to be unlawful, any person who shall be convicted of a violation thereof shall be guilty of a class B misdemeanor. ---------- (L. 1989 1st Ex. Sess. H.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.010 - Title of law.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.010. Title of law. —This chapter may be cited as "The Motor Vehicle Financial Responsibility Law". ---------- (L. 1953 p. 569, A.L. 1986 S.B. 424) Effective 7-01-87 (1980)

Uninsured motorist statute has no application in cases where tort-feasor did have automobile liability policy which complied with requirements of Motor Vehicle Safety Responsibility Law. Harrison v. MFA Mutual Insurance Co. (Mo.), 607 S.W.2d 137. (1987) This chapter prior to the effective date of section 303.025 has no effect on increasing liability limits of automobile insurance policy according to provision in policy that coverage would be increased beyond limits set in policy where such limits were less than the minimum required to meet a state's financial responsibility laws since this chapter before the enactment of section 303.025 was not compulsory but allowed motorists to avoid financial responsibility until after one accident. Protective Cas. Ins. Co. v. Cook, 734 S.W.2d 898 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.020 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.020. Definitions. —As used in this chapter the following words and phrases shall mean: (1)"Chauffeur", a person who is employed for the principal purpose of operating a motor vehicle or any person who drives a motor vehicle while in use as a public or common carrier of persons or property for hire; (2)"Director", director of revenue of the state of Missouri, acting directly or through his authorized officers and agents; (3)"Judgment", a final judgment by a court of competent jurisdiction of any state or of the United States, upon a claim for relief for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on any agreement or settlement for such damages arising out of the ownership, maintenance or use of any motor vehicle; (4)"License", an operator's or driver's license, temporary instruction permit, chauffeur's or registered operator's license issued under the laws of this state; (5)"Motor vehicle", a self-propelled vehicle which is designed for use upon a highway, except trailers designed for use with such vehicles, traction engines, road rollers, farm tractors, tractor cranes, power shovels, well drillers, motorized bicycles as defined in section 307.180, electric bicycles as defined in section 301.010, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails; (6)"Nonresident", a person not a resident of the state of Missouri; (7)"Nonresident's operating privilege", the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him in this state; (8)"Operator", a person who is in actual physical control of a motor vehicle; (9)"Owner", a person who holds the legal title to a motor vehicle; or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a motor vehicle is entitled to possession thereof, then such conditional vendee or lessee or mortgagor; (10)"Proof of financial responsibility", proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident; (11)"Registration", registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles; (12)"State", any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; (13)"Street"or"highway", the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. ---------- (L. 1953 p. 569 § 303.010, A.L. 1965 p. 481, A.L. 1980 H.B. 995 & 1051, A.L. 1981 S.B. 201, A.L. 1986 S.B. 424, A.L. 1987 S.B. 114, A.L. 2018 S.B. 708, A.L. 2021 S.B. 176) (2004) Horse-drawn buggy is not a "motor vehicle" as defined in section and thus is not an uninsured motor vehicle within provision of automobile insurance policy. Ferguson v. Gateway Insurance Co., 151 S.W.3d 911 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.022 - Applicability of certain state statutes to motor vehicle liability policies, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.022. Applicability of certain state statutes to motor vehicle liability policies, when. —Sections 105.1073, 303.020, 303.030, 303.120, 303.190, and 303.240 shall apply to motor vehicle liability policies, as defined in section 303.190, that are issued or renewed in Missouri on or after July 1, 2019, and to any applicable filing under section 303.240 or subdivision*(2), (3), or (4) of subsection 1 of section 303.160 that goes into effect on or after July 1, 2019. A motor vehicle liability policy in effect prior to July 1, 2019, shall continue to constitute proof of compliance with the provisions of this chapter for the remainder of the term of that policy. ---------- (L. 2018 S.B. 708) Effective 7-01-19 *Word "subdivisions" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.024 - Insurance identification cards issued by insurer, contents — identification cards for self-insured issued by director, contents — exhibition of card to peace officers or commercial vehicle enforcement officers — failure to exhibit, violation of section 303.025.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.024. Insurance identification cards issued by insurer, contents — identification cards for self-insured issued by director, contents — exhibition of card to peace officers or

commercial vehicle enforcement officers — failure to exhibit, violation of section 303.025. —1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370. Such insurance identification card may be produced in either paper or electronic format. Acceptable electronic forms include display of electronic images on a cellular phone or any other type of portable electronic device. 2. The insurance identification card shall include all of the following information: (1) The name and address of the insurer; (2) The name of the named insured; (3) The policy number; (4) The effective dates of the policy, including month, day and year; (5) A description of the insured motor vehicle, including year and make or at least five digits of the vehicle identification number or the word Fleet if the insurance policy covers five or more motor vehicles; and (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card. 3. A new insurance identification card shall be issued when the insured motor vehicle is changed, when an additional motor vehicle is insured, and when a new policy number is assigned. A replacement insurance identification card shall be issued at the request of the insured in the event of loss of the original insurance identification card. 4. The director shall furnish each self-insurer, as provided for in section 303.220, an insurance identification card for each motor vehicle so insured. The insurance identification card shall include all of the following information: (1) Name of the self-insurer; (2) The word self-insured; and (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card. 5. An insurance identification card shall be carried in the insured motor vehicle at all times. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any peace officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties. If the operator fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, receipt, or a photocopy or an image displayed on a mobile electronic device which contains the policy information required in subsection 2 of this section shall be satisfactory evidence of insurance in lieu of an insurance identification card. The display of an image of the insurance card on a mobile electronic device shall not serve as consent for such officer, inspector, or other person to access other contents of the mobile electronic device in any manner other than to verify the image of the insurance card. As used in this section, the term "mobile electronic device" means any small handheld computing or communications device that has a display screen with a touch input or a miniature keyboard. Whenever a person presents a mobile electronic device as proof of financial responsibility to any peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector pursuant to this section, that person shall assume all liability for any damage to the mobile electronic device, except for damage willfully or maliciously caused by a peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector. 6. Any person who knowingly or intentionally produces, manufactures, sells, or otherwise distributes a fraudulent document, photocopy, or image displayed on a mobile electronic device intended to serve as an insurance identification card is guilty of a class E felony. Any person who knowingly or intentionally possesses a fraudulent document or photocopy intended to serve as an insurance identification card or knowingly or intentionally uses a fraudulent image displayed on a mobile electronic device is guilty of a class B misdemeanor. ---------- (L. 1986 S.B. 424, A.L. 1992 H.B. 1574, A.L. 1997 H.B. 207, A.L. 1998 H.B. 1802, A.L. 1999 S.B. 19, A.L. 2009 H.B. 62 merged with H.B. 577, A.L. 2013 H.B. 322, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.025 - Duty to maintain financial responsibility, residents and nonresidents — inoperable or stored vehicles, voluntary suspension of registration — misdemeanor penalty for violations — exception, methods — court to notify department of revenue, additional punishment, right of appeal.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.025. Duty to maintain financial responsibility, residents and nonresidents — inoperable or stored vehicles, voluntary suspension of registration — misdemeanor penalty for violations — exception, methods — court to notify department of revenue, additional punishment, right of appeal. —1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director of the department of revenue shall establish by rule a process for voluntary suspension of motor vehicle registration for vehicles which are inoperable or being stored and not in operation. The owner or nonresident shall not further operate the vehicle until the owner or nonresident notifies the department of revenue that the vehicle will be in use, and the department shall reinstate the motor vehicle registration upon receipt of proof of financial responsibility. Owners or nonresidents who operate a motor vehicle during a period of inoperability or storage claimed under this subsection shall be guilty of a class B misdemeanor and may additionally be guilty of a violation of this subsection. Notwithstanding any provision of law to the contrary,

the department of revenue may verify motor vehicle financial responsibility as provided by law, but shall not otherwise take legal or administrative action to enforce the requirements of this section unless, in the discretion of the director, the motor vehicle is determined to have been operated in violation of this section, a motor vehicle registration is applied for in violation of this section, or the motor vehicle on two separate occasions thirty days apart is determined to have its registration maintained in violation of this section. The director may prescribe rules and regulations for the implementation of this section. 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the owner's financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. 3. Any person who violates this section is guilty of a misdemeanor. Except as otherwise provided in this section, a first violation of this section shall be punishable as a class D misdemeanor. A second or subsequent violation of this section may be punished by imprisonment in the county jail for a term not to exceed fifteen days and shall be punished by a fine not less than two hundred dollars but not to exceed five hundred dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following: (1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days; (2) Forward the record of the conviction for an assessment of four points; (3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section shall forward a record of conviction to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, in a manner approved by the director of the department of public safety. The director shall establish procedures for the record keeping and administration of this section; or (4) For a nonresident, suspend the nonresident's driving privileges in this state in accordance with section 303.030 and notify the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides in accordance with section 303.080. 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed as prohibiting the department of commerce and insurance from approving or authorizing those exclusions and limitations which are contained in automobile liability insurance policies and the uninsured motorist provisions of automobile liability insurance policies. 5. If a court enters an order of suspension, the offender may appeal such order directly pursuant to chapter 512 and the provisions of section 302.311 shall not apply. 6. Any fines owed to the state pursuant to this section may be eligible for payment in installments. The director shall promulgate rules for the application of payment plans, which shall take into account individuals' ability to pay. ---------- (L. 1986 S.B. 424, A.L. 1997 H.B. 207, A.L. 1999 S.B. 19, A.L. 2000 H.B. 1797 merged with H.B. 1948, A.L. 2001 S.B. 267, A.L. 2010 S.B. 583, A.L. 2011 H.B. 111, A.L. 2014 S.B. 491, A.L. 2022 H.B. 2168) Effective 1-01-24, see § 303.039

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.026 - Director to notify owners who register vehicles, contents — affidavit certifying financial responsibility required for registration — director may use sampling techniques to verify — insurers required to submit policy information to director, format, use, disclosure — violations by insurer, penalty — notice to owner, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.026. Director to notify owners who register vehicles, contents — affidavit certifying financial responsibility required for registration — director may use sampling techniques to verify — insurers required to submit policy information to director, format, use, disclosure — violations by insurer, penalty — notice to owner, when. —1. The director shall inform each owner who registers a motor vehicle of the following: (1) The existence of the requirement that every motor vehicle owner in the state must maintain his financial responsibility; (2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print; (3) The penalties which apply to violations of the requirement to maintain financial responsibility; (4) The benefits of maintaining coverages in excess of those which are required; (5) The director's authority to conduct samples of Missouri motor vehicle owners to ensure compliance. 2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs an affidavit provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law.". In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as described in section 303.024, or a copy thereof, or some other proof of financial responsibility in the form prescribed by the director of revenue at the time of registration unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279 or unless the owner insures the vehicle according to the requirements of the division of motor carrier

and railroad safety pursuant to section 390.126. 3. To ensure compliance with this chapter, the director may utilize a variety of sampling techniques including but not limited to random samples of registrations subject to this section, uniform traffic tickets, insurance information provided to the director at the time of motor vehicle registration, and persons who during the preceding year have received a disposition of court-ordered supervision or suspension. The director may verify the financial responsibility of any person sampled or reported. (1) Beginning January 1, 2001, the director may require such information, as in his or her discretion is necessary to enforce the requirements of subdivision (1) of subsection 1 of this section, to be submitted from the person's insurer or insurance company. When requested by the director of revenue, all licensed insurance companies in this state which sell private passenger (noncommercial) motor vehicle insurance policies shall report information regarding the issuance, nonrenewal and cancellation of such policies to the director, excluding policies issued to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a commercial line policy. Such information shall be reported electronically in a format as prescribed by the director of the department of revenue by rule. (2) When required by the director of revenue, each insurance company shall provide to the department a record of each policy issued, cancelled, terminated or revoked during the period since the previous report. The director of revenue may require insurance companies to provide such records as frequently as he or she deems necessary. (3) The director may use reports described in subdivision (1) of this subsection for sampling purposes as provided in this section. 4. Information provided to the department by an insurance company for use in accordance with this section is the property of the insurer and is not subject to disclosure pursuant to chapter 610. Such information may be utilized by the department for enforcement of this chapter but may not be disclosed except that the department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only: (1) The individual; (2) The parent or legal guardian of an individual if the individual is an unemancipated minor; (3) The legal guardian of the individual if the individual is legally incapacitated; (4) Any person who has power of attorney from the individual; (5) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made; (6) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved; (7) The office of the state auditor, for the purpose of conducting any audit authorized by law. 5. The director may adopt any rules and regulations necessary to carry out the provisions of subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void. 6. Any person or agency who knowingly discloses information received from insurance companies pursuant to this section for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission. 7. The department of revenue shall notify the department of commerce and insurance of any insurer who violates any provisions of this section. The department of commerce and insurance may, against any insurer who knowingly fails to comply with this section, assess an administrative penalty up to five hundred dollars per day of noncompliance. The department of commerce and insurance may excuse the administrative penalty if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect. The penalty provisions of this section shall become effective six months after the rule issued pursuant to subsections 3 and 5 of this section is published in the code of state regulations. 8. To verify that financial responsibility is being maintained, the director shall notify the owner or operator of the need to provide, within fifteen days, proof of the existence of the required financial responsibility. The request shall require the owner or the operator to state whether or not the motor vehicle was insured on the verification date stated in the director's request. The request may include but not be limited to a statement of the names and addresses of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such information shall result in the suspension of the registration of the owner's motor vehicle, and where applicable, the owner's or the operator's driving privilege, for failing to meet such requirements, as is provided in this chapter. ---------- (L. 1986 S.B. 424, A.L. 1997 H.B. 207, A.L. 1999 S.B. 19, A.L. 2000 H.B. 1797, A.L. 2010 H.B. 1965, A.L. 2020 H.B. 1963) CROSS REFERENCES: Division of motor carrier and railroad safety abolished, duties and functions transferred to highways and transportation commission and department of transportation, 226.008 Highway reciprocity commission abolished, duties and functions transferred to highways and transportation commission, 226.008

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.030 - Operator's license suspended on failure to give security for payment of damages after accident, burden of proof for challenging determination — exceptions — insurance accepted.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.030. Operator's license suspended on failure to give security for payment of damages after accident, burden of proof for challenging determination — exceptions — insurance accepted. —1. If within twenty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of five hundred dollars, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any

judgment for damages resulting from such accident as may be recovered against each operator or owner. Any person challenging the director's determination shall have the burden of proving he or she was not at fault. 2. The director shall, within ninety days after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor vehicle, in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided notice of such suspension shall be sent by the director to such operator and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security; provided, however, that the period of suspension provided for in this section shall be in addition to any period of suspension imposed under sections 303.041 and 303.042. 3. Where erroneous information is given the director with respect to the matters set forth in subdivision (1), (2) or (3) of subsection 4 of this section, he shall take appropriate action as hereinbefore provided, within forty-five days after receipt by him of correct information with respect to said matters. 4. This section shall not apply under the conditions stated in section 303.070, nor: (1) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident; (2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him; (3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor (4) To any person qualifying as a self-insurer under section 303.220, nor to any person operating a motor vehicle for such self-insurer. 5. No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. ---------- (L. 1953 p. 569 § 303.050, A.L. 1965 p. 481, A.L. 1969 3d Ex. Sess. H.B. 30, A.L. 1981 S.B. 201, A.L. 1986 S.B. 424, A.L. 1997 H.B. 207, A.L. 2018 S.B. 708) Effective 7-01-19 (1997) Uninsured motorist policy may allow setoff and is allowed only up to statutory minimum. Tatum v. Van Liner Ins. Co. of Fenton, MO, 104 F.3d 223 (8th Cir.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.039 - Effective date for sections 303.025 and 303.041.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.039. Effective date for sections 303.025 and 303.041. —The repeal and reenactment of sections 303.025 and 303.041 shall take effect on January 1, 2024. ---------- (L. 2022 H.B. 2168 § C)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.040 - All motor vehicle accidents to be reported — director to notify all other parties, contents — parties to furnish information — nonresident requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.040. All motor vehicle accidents to be reported — director to notify all other parties, contents — parties to furnish information — nonresident requirements. —1. The operator or owner of every motor vehicle which is involved in an accident within this state, including a nonresident operator or owner of a motor vehicle, or the owner of a legally or illegally parked car which is in any manner involved in an accident within this state, with an uninsured motorist, upon the streets or highways thereof, or on any publicly or privately owned parking lot or parking facility generally open for use by the public, in which any person is killed or injured or in which damage to property of any one person, including himself, in excess of five hundred dollars is sustained, and the owner or operator of every motor vehicle which is involved in an accident within this state if such owner or operator does not carry motor vehicle liability insurance shall, within thirty days after such accident, report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall provide the operator with notice of the following: (1) That it is the responsibility of the operator, not the state, to bring an action at law on the claim of the operator arising out of the accident; (2) That the security deposited shall only be applied to the payment of a judgment against the person or persons on whose behalf the deposit was made; (3) That the department of revenue shall return the deposit to the depositor after the expiration of one year from the date of the accident, or as otherwise provided in section 303.060. In addition, the report shall contain such information as will enable the director to determine whether the requirements for the deposit of security under section 303.030 are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter, or whether the required financial responsibility has been met by the owner or operator of the motor vehicle as required by section 303.025. The director may rely upon the accuracy of such information unless and until he has reason to believe that the information is erroneous. If such operator be physically incapable of making such report, the owner of the

motor vehicle involved in such accident shall, within thirty days after learning of the accident, make such report. If the operator is also the owner and is incapable of filing such report as is required by this section, then the report will be filed as soon as the operator-owner is so capable. If the report is late by reason of incapability, a doctor's certificate must accompany the report certifying same. The operator or the owner shall furnish such additional relevant information as the director shall require. 2. If any party involved in an accident files a report under this section, the director shall notify, within ten days after receipt of the report, all other parties involved in the accident as specified in the report that a report has been filed and such other parties shall then furnish, within ten days, the director with such information as the director may request. 3. If any party involved in an accident in this state is a nonresident uninsured motorist, the nonresident uninsured operator or owner of the motor vehicle and any law enforcement agency responding to such accident shall report the involvement of an uninsured nonresident motorist in an accident occurring in this state to the director, and any resident operator or owner of a motor vehicle involved in an accident with an uninsured nonresident motorist may report such accident to the director in accordance with the provisions of subsections 1 and 2 of this section. ---------- (L. 1953 p. 569, A.L. 1976 H.B. 1392, A.L. 1979 H.B. 167, A.L. 1986 S.B. 424, A.L. 2010 S.B. 583)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.041 - Failure to maintain financial responsibility — notice, procedure, contents — suspension of license and registration — request for hearing, right, effect — subsequent acquisition of financial responsibility, effect — duration of suspension, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.041. Failure to maintain financial responsibility — notice, procedure, contents — suspension of license and registration — request for hearing, right, effect — subsequent acquisition of financial responsibility, effect — duration of suspension, fee. —1. If the director determines that the owner or operator of a motor vehicle has not maintained the financial responsibility as required in this chapter, the director shall thirty-three days after mailing notice, suspend the driving privilege of the owner or operator and/or the registration of the vehicle failing to meet such requirement. The notice of suspension shall be mailed to the person at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing. 2. Except as otherwise provided by law, neither the fact that subsequent to the date of verification or conviction, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle, shall have any bearing upon the director's decision to suspend. Until it is terminated, the suspension shall remain in force after the registration is renewed or a new registration is acquired for the motor vehicle. The suspension also shall apply to any motor vehicle to which the owner transfers the registration. Effective January 1, 2000, the department shall not extend any suspension for failure to pay a delinquent late surrender fee pursuant to this subsection. ---------- (L. 1986 S.B. 424, A.L. 1999 S.B. 19, A.L. 2000 H.B. 1797, A.L. 2001 S.B. 267, A.L. 2022 H.B. 2168) Effective 1-01-24, see § 303.039

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.042 - Suspension, effective when — length of suspension, factors considered — false submission of proof of insurance, suspension, duration, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.042. Suspension, effective when — length of suspension, factors considered — false submission of proof of insurance, suspension, duration, fee. —1. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by ordinary mail as provided in section 303.041. 2. The period of suspension under this section shall be as follows: (1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance as prescribed by the director; (2) If the person's record shows one prior violation within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance as prescribed by the director; (3) If the person's record shows two or more prior violations, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance as prescribed by the director. 3. In the event that proof of insurance required by this section has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance as prescribed by the director has been filed. In no event shall filing proof of insurance as prescribed by the director reduce any period of suspension. 4. If the director determines that the proof of insurance submitted by a motor vehicle owner or operator pursuant to this chapter is false, the director shall suspend the owner's vehicle registration and operator's driving privilege. The director shall terminate the suspension one year after the effective date upon payment by the owner or operator of a reinstatement fee of one hundred fifty dollars and submission of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance as prescribed by the director. 5. In all cases involving a suspension as provided in this section, the director shall not require an individual to file a certificate of insurance as provided in section 303.170 or section 303.180 or some other form of high-risk insurance in order to terminate the suspension, excluding cases

involving a motor vehicle accident where one or more parties involved in the accident were uninsured. ---------- (L. 1986 S.B. 424, A.L. 1999 S.B. 19, A.L. 2000 H.B. 1797) Effective 3-01-01 (2007) Legislature did not intend for there to be a knowledge element regarding submission of a false insurance card; liability for such submission is strict liability. Hudson v. Director of Revenue, State of Missouri, 216 S.W.3d 216 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.044 - Proof of financial responsibility required for reregistration.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.044. Proof of financial responsibility required for reregistration. —After the period of suspension provided in section 303.042 has elapsed, the owner or operator, or both, whose license or registration has been suspended must file proof of insurance as prescribed in section 303.026 or some other proof of insurance as prescribed by the director for a period of three years thereafter with respect to all motor vehicles registered to him. If proof of insurance is not maintained during the three-year period to the satisfaction of the director, he shall again suspend the license and all registrations until the owner or operator shall thereafter maintain proof of insurance as set out herein. In no case shall the director require the person whose license or registration has been suspended pursuant to this section to file a certificate of insurance as prescribed by section 303.170 or section 303.180 or some other form of high-risk insurance, excluding cases involving a motor vehicle accident where one or more parties involved in the accident were uninsured. ---------- (L. 1986 S.B. 424, A.L. 2000 H.B. 1797) Effective 3-01-01

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.045 - Records, where kept — destroyed, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.045. Records, where kept — destroyed, when. —The director of revenue shall keep all records filed under the provisions of sections 303.040, 303.100, and 303.150, in his custody at the City of Jefferson. All records and files pertaining to reports of accidents, unsatisfied judgments, and suspensions or revocations of license as the result of convictions may be destroyed, provided they have been finally closed by the director for a period of one year. ---------- (L. 1957 p. 627 § 303.041, A.L. 1961 p. 494)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.050 - Security, form and amount — reduced, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.050. Security, form and amount — reduced, when. —1. The security required under this chapter shall be in such form and in such amount as the director may require but in no case in excess of the limits specified in section 303.030 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the director or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident. 2. The director may reduce the amount of security ordered in any case within one year after the date security was first required if, in his judgment, the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of section 303.060. ---------- (L. 1953 p. 569 § 303.090, A.L. 1986 S.B. 424) Effective 7-01-87

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.051 - Judgment-creditor entitled to notice of security held.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.051. Judgment-creditor entitled to notice of security held. —When a judgment is rendered and is secured as provided by this chapter, the director shall provide the judgment-creditor with information describing the form and amount of the security the judgment-debtor has deposited with the director. ---------- (L. 1957 p. 634)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.060 - Security deposited with director of revenue — used to pay judgment — return.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.060. Security deposited with director of revenue — used to pay judgment — return. —1. Security deposited in compliance with the requirements of this chapter shall be deposited with the director of revenue, and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under subdivision (3) of section 303.140, or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of such accident. 2. The deposit or balance thereof shall be returned to the depositor, his personal representative, or an assignee when evidence satisfactory to the director has been filed with him that there has been a release from liability, or a final adjudication of nonliability, or a duly acknowledged agreement, in accordance with subdivision (3) of section 303.070, or whenever, after the

expiration of one year from the date of the accident, or from the date of any security required under subdivision (3) of section 303.140, the director shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid. ---------- (L. 1953 p. 569 § 303.100, A.L. 1957 p. 634, A.L. 1986 S.B. 424) Effective 7-01-87

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.070 - Operator not subject to security and suspension provisions, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.070. Operator not subject to security and suspension provisions, when. —The requirements as to security and suspension in section 303.030 shall not apply: (1) To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such operator or owner; (2) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission; nor (3) If, prior to the date that the director would otherwise suspend the license and registration or nonresident's operating privilege under section 303.030, there shall be filed with the director evidence satisfactory to him that the person who would otherwise be required to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident. ---------- (L. 1953 p. 569 § 303.060, A.L. 1976 H.B. 1392) (1963) Plaintiff in this action was driving a state-owned car and had no liability insurance coverage. In order to avoid loss of his operator's license under this section he obtained a release on the form provided by the department of revenue from defendants in this action. Held that under certain circumstances a person obtaining a release from the other party is estopped to assert a cause of action against that party. Eberting v. Skinner (A.), 364 S.W.2d 829. (1963) Release estopped from suing releasor for damages arising out of motor vehicle collision. Farmer v. Arnold (Mo.), 371 S.W.2d 265.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.080 - Where operator has no license or is nonresident, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.080. Where operator has no license or is nonresident, procedure. —1. In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, or is a nonresident, he shall not be allowed a license or registration until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license and registration. 2. When a nonresident's operating privilege is suspended pursuant to section 303.030 or section 303.140, the director shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection 3 of this section. 3. Upon receipt of such certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the director to suspend a nonresident's operating privilege had the accident occurred in this state, the director shall suspend the license of such resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security. ---------- (L. 1953 p. 569)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.090 - Report of failure to satisfy judgment — procedure as to nonresident.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.090. Report of failure to satisfy judgment — procedure as to nonresident. —1. Whenever any person fails within sixty days to satisfy any final judgment in amounts and upon a cause of action as herein stated, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the director immediately after the expiration of said sixty days, a certified copy of such judgment. 2. If the defendant named in any certified copy of a judgment reported to the director is a nonresident, the director shall immediately transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident. ---------- (L. 1953 p. 569 § 303.120)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.100 - License suspended on receipt of judgment — creditor may consent to allowance of license.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.100. License suspended on receipt of judgment — creditor may consent to allowance of license. —1. The director, upon the receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in section 303.130. 2. If the judgment-creditor consents in writing, in such form as the director may prescribe, that the judgment-debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the director, in his discretion, for six months from the date of such

consent and thereafter until such consent is revoked in writing notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 303.130 provided the judgment-debtor furnishes proof of financial responsibility. ---------- (L. 1953 p. 569 § 303.130)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.110 - Suspension not lifted or license renewed, when — effect of bankruptcy.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.110. Suspension not lifted or license renewed, when — effect of bankruptcy. —Such license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such final judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 303.100 and 303.130. A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment-debtor from any of the requirements of this chapter. ---------- (L. 1953 p. 569 § 303.140)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.120 - Judgments deemed satisfied, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.120. Judgments deemed satisfied, when. —1. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied: (1) When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or (2) When, subject to such limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or (3) When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident. 2. Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section. ---------- (L. 1953 p. 569 § 303.150, A.L. 1965 p. 481, A.L. 1981 S.B. 201, A.L. 2018 S.B. 708) Effective 7-01-19

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.130 - License continued on order allowing installment payment of judgment, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.130. License continued on order allowing installment payment of judgment, when. —1. A judgment-debtor upon due notice to the judgment-creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment-creditor may have, may so order and fix the amounts and times of payment of the installments. 2. The director shall not suspend a license, registration or a nonresident's operating privilege, and shall restore any license, registration or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment-debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default. 3. In the event the judgment-debtor fails to pay any installment as specified by such order, then upon notice of such default, the director shall forthwith suspend the license, registration or nonresident's operating privilege of the judgment-debtor until such judgment is satisfied, as provided in this chapter. ---------- (L. 1953 p. 569 § 303.160)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.140 - License suspension lifted, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.140. License suspension lifted, when. —The license and registration and nonresident's operating privilege suspended as provided in section 303.030 shall remain suspended and shall not be renewed nor shall a license or registration be issued to the person until: (1) The person deposits, or there is deposited on his behalf, the security required under section 303.030; or (2) One year has elapsed following the date of the suspension, and no claimant has filed notice, supported by a copy of the petition bearing the court file number, that he has commenced an action in a court of record, begun not later than one year after the date of such accident, arising out of the accident on which the suspension is based; or (3) Evidence satisfactory to the director is filed with him of a release from liability, or a final adjudication of nonliability, or a duly acknowledged written agreement, in accordance with subdivision (3) of section 303.070; but if there is any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of the default, the director shall forthwith suspend the license and registration or nonresident's operating privilege of the person defaulting which shall not be restored unless and until: (a) The person deposits and thereafter maintains security as required under section 303.030 in the amount that the director then determines; or (b) One year has elapsed following the date when the security was required and during that period no action upon the agreement has been instituted in a court of this state. ---------- (L. 1953 p. 569 § 303.070, A.L. 1961 p. 494, A.L. 1965 p. 95, A.L. 1986 S.B. 424) Effective 7-01-87

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.150 - Vehicle registration suspended on suspension of license for conviction or bail forfeiture — proof required for reregistration.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.150. Vehicle registration suspended on suspension of license for conviction or bail forfeiture — proof required for reregistration. —1. Whenever the director, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the director shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person. 2. Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed, nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person, until permitted under the motor vehicle laws of this state, and not then unless and until he shall give and thereafter maintain proof of financial responsibility. 3. If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person, until he shall give and thereafter maintain proof of financial responsibility. 4. Whenever the director suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility. ---------- (L. 1953 p. 569 § 303.170)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.160 - Proof of financial responsibility, how given.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.160. Proof of financial responsibility, how given. —1. Proof of financial responsibility when required under this chapter with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing: (1) A certificate of insurance as provided in section 303.170 or section 303.180; or (2) A bond as provided in section 303.230; or (3) A certificate of deposit of money or securities as provided in section 303.240; or (4) A certificate of self-insurance, as provided in section 303.220, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer. 2. No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such proof shall be furnished for such motor vehicle. ---------- (L. 1953 p. 569 § 303.180, A.L. 1961 p. 463) (1974) A certificate of self-insurance is not a policy of insurance so as to make holder liable in the same manner as "other valid and collectible insurance". American Family Ins. Co. v. Missouri Power and Light Co. (Mo.), 517 S.W.2d 110.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.170 - Proof of responsibility by insurance certificate.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.170. Proof of responsibility by insurance certificate. —1. Proof of financial responsibility may be furnished by filing with the director the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. 2. No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate. ---------- (L. 1953 p. 569 § 303.190)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.175 - Motor vehicle liability policy, minimum term, exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.175. Motor vehicle liability policy, minimum term, exceptions. —Every private passenger motor vehicle liability policy issued to meet the requirements of this chapter shall have a minimum term of three months. Each policy payment collected by the insurer shall be sufficient to pay for at least one month's coverage under the policy, except that this restriction shall not apply to payments on policies made by way of payroll deductions. This section shall not be construed to interfere with the cancellation and renewal provisions of sections 379.110 to 379.120 nor shall it apply to any fleet, rental, group or commercial motor vehicle policy. ---------- (L. 1999 S.B. 19) Effective 1-01-00

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.178 - Display of false evidence of insurance, penalty, confiscation of false evidence,

misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.178. Display of false evidence of insurance, penalty, confiscation of false evidence, misdemeanor. —No person shall display evidence of insurance to a law enforcement officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this chapter, or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the law enforcement officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this section is guilty of a class A misdemeanor. ---------- (L. 1999 S.B. 19) Effective 1-01-00

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.179 - Alteration, production or sale of invalid insurance card, misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.179. Alteration, production or sale of invalid insurance card, misdemeanor. —No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this section is guilty of a class A misdemeanor. ---------- (L. 1999 S.B. 19) Effective 1-01-00

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.180 - Proof of responsibility by nonresident by insurance certificate, accepted when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.180. Proof of responsibility by nonresident by insurance certificate, accepted when. —1. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the director a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicle described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter, and the director shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified: (1) Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state; and (2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein. 2. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the director shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues. ---------- (L. 1953 p. 569 § 303.200)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.190 - Motor vehicle liability policy, contents.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.190. Motor vehicle liability policy, contents. —1. A"motor vehicle liability policy"as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 303.170 or section 303.180 as proof of financial responsibility, and issued, except as otherwise provided in section 303.180 by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured. 2. Such owner's policy of liability insurance: (1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; (2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits, exclusive of interest and costs, with respect to each such motor vehicle, as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident; and (3) May exclude coverage against loss from liability imposed by law for damages arising out of the use of such motor vehicles by a member of the named insured's household who is a specifically excluded driver in the policy. 3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him or her by law for damages arising out of the use by him or her of any motor vehicle not owned by him or her, within the said territorial limits and subject to the same limits of liability as are set forth above with respect to any owner's policy of liability insurance. 4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter. 5. Such motor vehicle liability policy need not insure any liability pursuant to any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the

insured. 6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein: (1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his or her behalf and no violation of said policy shall defeat or void said policy; (2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage; (3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (2) of subsection 2 of this section; (4) The policy, the written application thereof, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties. 7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section. 8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter. 9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance. 10. The requirements of a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements. 11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirement for such a policy. ---------- (L. 1953 p. 569 § 303.210, A.L. 1965 p. 481, A.L. 1981 S.B. 201, A.L. 1999 S.B. 19, A.L. 2018 S.B. 708) Effective 7-01-19 CROSS REFERENCE: Uninsured motorist liability insurance, 379.201, 379.203 (1991) Section expresses the public policy of Missouri. A clause which excludes coverage for member of immediate family in automobile insurance policy denies coverage for liability which the law recognizes; therefore, family exclusion clause is void as against the public policy of Missouri. State Farm Mutual Automobile Insurance Co. v. Monday, 847 S.W.2d 468 (Mo. App. W.D.) (2000) When multiple liability policies are in place and each contains a household exclusion clause, section does not restrict minimum liability payments to single policy. American Standard Insurance Company v. Hargrave, 34 S.W.3d 88 (Mo. banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.200 - Missouri automobile insurance plan for persons unable to procure insurance by ordinary means — approval, participation by companies — function — plan of operation — liability limitations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.200. Missouri automobile insurance plan for persons unable to procure insurance by ordinary means — approval, participation by companies — function — plan of operation — liability limitations. —1. After consultation with insurance companies having a certificate of authority to do business in this state and actively writing motor vehicle liability policies, the director of the department of commerce and insurance, hereinafter referred to as the director, shall approve a reasonable plan to provide motor vehicle insurance policies to and for applicants who are in good faith entitled to but are unable to procure such policies through ordinary methods. The plan shall be known as the "Missouri Automobile Insurance Plan", hereinafter referred to as the plan. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. Any applicant for a policy under the plan, any person insured under the plan, and any insurance company affected may appeal to the director from any ruling or decision of the plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree. 2. The plan shall perform its functions under a plan of operation and through a governing committee as prescribed in the plan of operation. Any plan of operation, prior to being placed in and taking effect, shall be filed with and approved by the director. Any amendments to the plan of operation so adopted shall also be filed with and approved by the director prior to being placed in and taking effect. 3. The plan of operation shall prescribe the issuance of motor vehicle insurance policies by the plan, which may include the administration of such policies by: (1) A third-party administrator that has a certificate of authority to do business in this state; (2) A nationally recognized management organization and service provider that specializes in the administration of motor vehicle insurance residual market mechanisms, subject to the approval of the director; or (3) An insurance company that has a certificate of authority to do business in this state. 4. Every*form of a policy, endorsement, rider, manual of classifications, rules, and/or rates; every*rating plan; and every**modification of any of them proposed to be used by the plan shall be***approved by the director prior to use***. 5. Any policy of insurance issued by the plan shall conform to the provisions of this chapter and any insurance law of this state applicable to motor vehicle insurance policies, except for any law that specifically exempts the plan from the purview of the law. 6. The plan shall: (1) File annual audited financial reports for the preceding year with the director no later than June thirtieth of each year; (2) Be subject to examination by the director under sections 374.205 to 374.207; and (3) Have the authority to make assessments on member insurance companies if the funds from policyholder premiums and other revenues are not sufficient for the sound operation of the plan. An assessment upon a member insurance company shall be in the same proportion to its share of the voluntary market premium for the type of policies written under the plan. The procedures for levying assessment shall be prescribed in the plan of operation. 7. There shall be no liability imposed on the part of, and no cause of action of any nature shall arise against, any member insurer or any member of the governing committee for any omission or action taken by them in the performance of

their powers and duties under this section. ---------- (L. 1953 p. 569 § 303.350, A.L. 2012 H.B. 1402 merged with S.B. 470 merged with S.B. 480, A.L. 2013 H.B. 322, A.L. 2020 H.B. 1963 merged with S.B. 551) *Word "No" appears in original rolls of H.B. 1963, 2020. **Words "nor any" appear in original rolls of H.B. 1963, 2020. ***...***Words "used prior to approval by the director" appear in original rolls of H.B. 1963, 2020.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.210 - Notice of cancellation of insurance to be given director.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.210. Notice of cancellation of insurance to be given director. —When an insurance carrier has certified a motor vehicle liability policy under section 303.170 or a policy under section 303.180, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the director of revenue, except that such policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates. ---------- (L. 1953 p. 569 § 303.220)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.220 - Certificate of self-insurance — cancelled, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.220. Certificate of self-insurance — cancelled, when. —1. Any religious denomination which has more than twenty-five members with motor vehicles and discourages its members from purchasing insurance, of any form, as being contrary to its religious tenets, may qualify as a self-insurer by obtaining a self-insurance certificate issued by the director as provided in subsection 3 of this section. 2. Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the director as provided in subsection 3 of this section. 3. The director may, in his discretion, upon the application of any religious denomination or person described in subsection 1 or 2 of this section, issue a certificate of self-insurance when he is satisfied that such religious denomination or person is possessed and will continue to be possessed of the ability to pay judgments obtained against such religious denomination or person. 4. Upon not less than ten days' notice and a hearing pursuant to such notice, the director may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. ---------- (L. 1953 p. 569 § 303.340, A.L. 1986 S.B. 424, A.L. 2021 H.B. 604 merged with S.B. 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.230 - Surety bond as proof of responsibility.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.230. Surety bond as proof of responsibility. —1. Proof of financial responsibility may be furnished by filing with the director the bond of a surety company duly authorized to transact business in this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond approved by the judge of the circuit court of the county or city in which such real estate is situate. Such bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancelled except after ten days' written notice to the director. 2. If such judgment, rendered against the principal on such bond, shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond. ---------- (L. 1953 p. 569 § 303.240)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.240 - Cash deposit as proof of responsibility.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.240. Cash deposit as proof of responsibility. —1. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him seventy-five thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of seventy-five thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the director shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. 2. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. ---------- (L. 1953 p. 569 § 303.250, A.L. 1965 p. 481, A.L. 1981 S.B. 201, A.L. 2018 S.B. 708) Effective 7-01-19

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.250 - Owner may give proof for employees or family members.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.250. Owner may give proof for employees or family members. —Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the director shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The director shall designate the restrictions imposed by this section on the face of such person's license. ---------- (L. 1953 p. 569 § 303.260)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.260 - Substitution of one proof of responsibility for another.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.260. Substitution of one proof of responsibility for another. —The director shall consent to the cancellation of any bond or certificate of insurance or the director shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. ---------- (L. 1953 p. 569 § 303.270)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.270 - Director may require different proof, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.270. Director may require different proof, when. —Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the director shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof. ---------- (L. 1953 p. 569 § 303.280)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.280 - Release of proof and waiver of proof, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.280. Release of proof and waiver of proof, when. —1. The director shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the director shall direct and the state treasurer shall return to the person entitled thereto, any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the director shall waive the requirement of filing proof, in any of the following events: (1) At any time after two years from the date such proof was required when, during the two-year period preceding the request, the director has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom such proof was furnished; or (2) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or (3) In the event the person who has given proof surrenders his license and registration to the director. 2. The director shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the director. 3. Whenever any person whose proof has been cancelled or returned under subdivision (3) of subsection 1 of this section applies for a license or registration within a period of two years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such two-year period. ---------- (L. 1953 p. 569 § 303.290, A.L. 1972 S.B. 651, A.L. 1973 S.B. 251)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.290 - Director's duties — regulations — judicial review.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.290. Director's duties — regulations — judicial review. —1. The director of revenue shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the director under the provisions of this chapter. Upon receipt of a request for an administrative hearing the director of revenue shall reach a final decision including findings of fact and conclusions of law within ninety days. 2. Any decision, finding or order of the director, under the provisions of this chapter shall be subject to review by appeal to the circuit court of the county of the residence of the licensee, at the instance of any party in interest, in the manner provided by chapter 536, at any time within thirty days after notice is given the licensee of such decision, finding or order. Upon such appeal the cause shall be heard de novo and the circuit court may determine the reasonableness of the director's decision, finding or order, and in disposing of the issues before it may modify, affirm, or reverse the decision, finding or order in whole or in part. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend as the case may require. ---------- (L. 1953 p. 569 § 303.020, A.L. 1957 p. 622, A.L. 1986 S.B. 424) Effective

7-01-87 (1998) Thirty-day period referred to in this statute begins to run on date of mailing of administrative decision. Gilbert v. Director of Revenue, 974 S.W.2d 655 (E.D.Mo.App.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.300 - Driver's records available upon request.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.300. Driver's records available upon request. —The director shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the director shall so certify. ---------- (L. 1953 p. 569 § 303.030)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.310 - Report and decision to be no evidence of negligence — may be evidence, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.310. Report and decision to be no evidence of negligence — may be evidence, when. —Neither the report required by section 303.040, the action taken by the director pursuant to this chapter, the findings, if any, of the director upon which such action is based, nor the security filed as provided in this chapter shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages; however, the report required by section 303.040 may be subpoenaed and may be introduced into evidence solely for the purpose of establishing the existence or lack of insurance coverage where such issue is material and relevant to the action being tried. A copy of the report certified by the director as a correct copy shall be received in any of the courts of this state as evidence of the contents of the original report. ---------- (L. 1953 p. 569 § 303.110, A.L. 1976 H.B. 1392) (1963) In action by releasee against releasor for damages arising from motor vehicle collision, release which was filed with safety responsibility unit was admissible as evidence over objection that it was confidential and inadmissible under this section. Farmer v. Arnold (Mo.), 371 S.W.2d 265.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.315 - Copies of suspension orders, constitute evidence.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.315. Copies of suspension orders, constitute evidence. —Copies of suspension orders entered pursuant to this chapter duly certified by the director of revenue shall be evidence in all courts of this state in actions arising under this chapter. ---------- (L. 1955 p. 627 § 303.365)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.320 - Vehicle not registered until bona fide transfer.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.320. Vehicle not registered until bona fide transfer. —If any owner's registration has been suspended hereunder, such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name until the director is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter. Nothing in this section shall in any wise affect the rights of any conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this section. ---------- (L. 1953 p. 569 § 303.300)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.330 - License and registration returned to director, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.330. License and registration returned to director, when. —Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the director shall immediately return his license and registration to the director. If any person shall fail to return to the director the license or registration as provided herein or in any other chapter, the director may forthwith direct the Missouri state highway patrol or any peace or police officer to secure possession thereof and return the same to the director. ---------- (L. 1953 p. 569 § 303.310, A.L. 1986 S.B. 424) Effective 7-01-87

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.340 - Law not to apply to certain automobile insurance policies.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.340. Law not to apply to certain automobile insurance policies. —1. This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter. 2. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured. ---------- (L.

1953 p. 569 § 303.230)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.350 - Chapter not applicable to government or common carriers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.350. Chapter not applicable to government or common carriers. —Notwithstanding anything else herein contained, this chapter shall not apply with respect to any motor vehicle owned by the United States, the state of Missouri, or any political subdivision of this state, or any municipality therein, nor shall this chapter apply to any common carrier or contract carrier whose operations are subject to the jurisdiction of and are regulated by the interstate commerce commission or the public service commission of Missouri, or by regulatory ordinances of the municipalities served by such common or contract carrier, and which shall have satisfied any applicable requirements concerning bond, insurance or proof of financial responsibility imposed by the regulatory authority having jurisdiction over the carrier's operations. ---------- (L. 1953 p. 569 § 303.330) (1961) Motor vehicle safety responsibility law held applicable to municipal employees. City of St. Louis v. Carpenter (Mo.), 341 S.W.2d 786.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.360 - Not to operate retrospectively.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.360. Not to operate retrospectively. —Sections 303.010 to 303.370 shall not be construed so as to deprive any person of any rights which may have accrued before the effective date of this law, or as conferring any rights upon any person whose claim for relief arose prior to the effective date of this law, nor as preventing the plaintiff in any civil action from relying for relief upon other process provided by law. ---------- (L. 1953 p. 569)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.370 - Offenses, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.370. Offenses, penalties. —1. Failure to report an accident as required in section 303.040 shall be punished by a fine not in excess of five hundred dollars, and in the event of injury or damage to the person or property of another in such accident, the director shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has been filed or for no more than one year, provided all other requirements for reinstatement have been met and for such further period not to exceed thirty days as the director may fix. 2. Any person who gives information required in report or otherwise as provided for in section 303.040 knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than one thousand dollars or imprisoned for not more than one year, or both. 3. Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this chapter and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than five hundred dollars or imprisoned not exceeding six months, or both. 4. Any person willfully failing to return his license or registration as required in section 303.330 shall be fined not more than five hundred dollars or imprisoned not to exceed thirty days, or both. 5. Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than five hundred dollars or imprisoned not more than ninety days, or both. ---------- (L. 1953 p. 569 § 303.320, A.L. 1986 S.B. 424) Effective 7-01-87

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.390 - Uninsured motorist, waiver of ability to collect noneconomic damages, when — inapplicability, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 *303.390. Uninsured motorist, waiver of ability to collect noneconomic damages, when — inapplicability, when. —1. An uninsured motorist shall waive the ability to have a cause of action or otherwise collect for noneconomic loss against a person who is in compliance with the financial responsibility laws of this chapter due to a motor vehicle accident in which the insured driver is alleged to be at fault. For purposes of this section, the term"uninsured motorist"shall include: (1) An uninsured driver who is the owner of the vehicle; (2) An uninsured permissive driver of the vehicle; and (3) Any uninsured nonpermissive driver.--Such waiver shall not apply if it can be proven that the accident was caused, in whole or in part, by a tort-feasor who operated a motor vehicle under the influence of drugs or alcohol, or who is convicted of involuntary manslaughter under subdivision (2) of subsection 1 of section 565.024, or assault in the second degree under subdivision (4) of subsection 1 of section 565.060**. --Such waiver shall not apply if it can be proven that the accident was caused, in whole or in part, by a tort-feasor who operated a motor vehicle under the influence of drugs or alcohol, or who is convicted of involuntary manslaughter under subdivision (2) of subsection 1 of section 565.024, or assault in the second degree under subdivision (4) of subsection 1 of section 565.060**. 2. The provisions of this section shall not apply to an uninsured motorist whose immediately previous insurance policy meeting the requirements of section 303.190 was terminated or nonrenewed for failure to pay the premium, unless notice of termination or nonrenewal for failure to pay such premium was provided by such insurer at least six months prior to the time of the accident. 3. In an action against a person who is in compliance with the financial

responsibility laws prescribed by this chapter by a person deemed to have waived recovery under subsection 1 of this section: (1) Any award in favor of such person shall be reduced by an amount equal to the portion of the award representing compensation for noneconomic losses; (2) The trier of fact shall not be informed, directly or indirectly, of such waiver or of its effect on the total amount of such person's recovery. 4. Nothing in this section shall be construed to preclude recovery against an alleged tort-feasor of benefits provided or economic loss coverage. 5. Passengers in the uninsured motor vehicle are not subject to such recovery limitation. ---------- (L. 2013 H.B. 339) *Effective 10-11-13, see § 21.250. H.B. 339 was vetoed July 3, 2013. The veto was overridden on September 11, 2013. **Section 565.060 was amended and transferred to section 565.052 by S.B. 491, 2014, effective 1-01-17. Section 565.052 does not contain the language which previously appeared in subdivision (4) of subsection 1 of section 565.060. (2018) Section providing that uninsured motorist waives ability to collect for noneconomic loss against person in compliance with financial responsibility laws violates right to jury trial under Missouri Constitution. Jiles v. Schuster Co., 357 F.Supp.3d 908 (W.D.Mo.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.400 - Title.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.400. Title. —The provisions of sections 303.400 to 303.415 shall be known as the "Motorist Insurance Identification Database Act". ---------- (L. 1999 S.B. 19 § 1) Effective 7-01-02; see § 303.415 Expires 6-30-07; see § 303.415

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.403 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.403. Definitions. —As used in sections 303.400 to 303.415, the following terms mean: (1)"Database", the motorist insurance identification database; (2)"Department", the department of revenue; (3)"Designated agent", the party with which the department contracts to implement the motorist insurance identification database; (4)"Program", the motorist insurance identification database program. ---------- (L. 1999 S.B. 19 § 2) Effective 7-01-02; see § 303.415 Expires 6-30-07; see § 303.415

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.406 - Database and fund created, purpose, administration — disclosure, when, violations, penalties — review and report to general assembly.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.406. Database and fund created, purpose, administration — disclosure, when, violations, penalties — review and report to general assembly. —1. The "Motorist Insurance Identification Database" is hereby created for the purpose of establishing a database to use to verify compliance with the motor vehicle financial responsibility requirements of this chapter. The program shall be administered by the department and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective July 1, 2002, the state treasurer shall credit to and deposit in the motorist insurance identification database fund six percent of the net general revenue portion received from collections of the insurance premiums tax levied and collected pursuant to sections 148.310 to 148.461. 2. To implement the program, the department may by July 1, 2002, contract with a designated agent which shall monitor compliance with the motor vehicle financial responsibility requirements of this chapter, except that the program shall not be implemented to notify owners of registered motor vehicles until the department certifies that the accuracy rate of the program exceeds ninety-five percent in correctly identifying owners of registered motor vehicles as having maintained or failed to maintain financial responsibility. After the department has entered into a contract with a designated agent, the department shall convene a working group for the purpose of facilitating the implementation of the program. 3. The designated agent, using its own computer network, shall, no later than December 31, 2002, develop, deliver and maintain a computer database with information provided by: (1) Insurers, pursuant to sections 303.400 to 303.415; except that, any person who qualifies as self-insured pursuant to this chapter, or provides proof of insurance to the director pursuant to the provisions of section 303.160, shall not be required to provide information to the designated agent, but the state shall supply these records to the designated agent for inclusion in the database; and (2) The department, which shall provide the designated agent with the name, date of birth and address of all persons in its computer database, and the make, year and vehicle identification number of all registered motor vehicles. 4. The department shall establish guidelines for the designated agent's development of the computer database so the database can be easily accessed by state and local law enforcement agencies within procedures already established, and shall not require additional computer keystrokes or other additional procedures by dispatch or law enforcement personnel. Once the database is operational, the designated agent shall, at least monthly, update the database with information provided by insurers and the department, and compare then-current motor vehicle registrations against the database. 5. Information provided to the designated agent by insurers and the department for inclusion in the database established pursuant to this section is the property of the insurer or the department, as the case may be, and is not subject to disclosure pursuant to chapter 610. Such information may not be disclosed except as follows: (1) The designated agent shall verify a person's insurance coverage upon request by any state or local government agency investigating, litigating or enforcing such person's compliance with the motor vehicle financial responsibility requirements of this chapter; (2) The department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only: (a) The individual; (b) The parent or legal guardian of an individual if the individual is an unemancipated minor; (c) The legal

guardian of the individual if the individual is legally incapacitated; (d) Any person who has power of attorney from the individual; (e) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made; (f) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved; (g) The office of the state auditor, for the purpose of conducting any audit authorized by law. 6. Any person or agency who knowingly discloses information from the database for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. The state shall not be liable to any person for gathering, managing or using information in the database pursuant to this section. The designated agent shall not be liable to any person for performing its duties pursuant to this section unless and to the extent such agent commits a willful and wanton act or omission or is negligent. The designated agent shall be liable to any insurer damaged by the designated agent's negligent failure to protect the confidentiality of the information and data disclosed by the insurer to the designated agent. The designated agent shall provide to this state an errors and omissions insurance policy covering such agent in an appropriate amount. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission. 7. The department shall review the operation and performance of the motorist insurance identification database program to determine whether the number of uninsured motorists has*declined during the first three years following implementation and shall submit a report of its findings to the general assembly no later than January fifteenth of the year following the third complete year of implementation. The department shall make copies of its report available to each member of the general assembly. 8. This section shall not supersede other actions or penalties that may be taken or imposed for violation of the motor vehicle financial responsibility requirements of this chapter. 9. The working group as provided for in subsection 2 of this section shall consist of representatives from the insurance industry, department of commerce and insurance, department of public safety and the department of revenue. The director of revenue, after consultation with the working group, shall promulgate any rules and regulations necessary to administer and enforce this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 1999 S.B. 19 § 3, A.L. 2000 H.B. 1797) Effective 7-01-02; see § 303.415 Expires 6-30-07; see § 303.415 *Word "have" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.409 - Failure to maintain financial responsibility, notice, right to hearing — suspension, duration, factors, extension for failure to file proof of insurance, maintenance of proof — exception for inoperable or stored motor vehicles.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.409. Failure to maintain financial responsibility, notice, right to hearing — suspension, duration, factors, extension for failure to file proof of insurance, maintenance of proof — exception for inoperable or stored motor vehicles. —1. If the motorist insurance identification database indicates the owner of a registered motor vehicle has, regardless of the owner's operation of such motor vehicle, failed to maintain the financial responsibility required in section 303.025 for two consecutive months, the designated agent shall on behalf of the director inform the owner that the director will suspend the owner's vehicle registration if the owner does not present proof of insurance as prescribed by the director within thirty days from the date of mailing. The designated agent shall not select owners of fleet or rental vehicles or vehicles that are insured pursuant to a commercial line policy for notification to determine motor vehicle liability coverage. The director may prescribe rules and regulations necessary for the implementation of this subsection. The notice issued to the vehicle owner by the designated agent shall be sent to the last known address shown on the department's records. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing must be made. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by first class mail as provided in section 303.041. If the request for a hearing is received prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension during the period of delay. 2. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the director's decision to suspend. The suspension shall remain in force until termination despite the renewal of registration or acquisition of a new registration for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration. 3. Upon receipt of notification from the designated agent, the director shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows: (1) If the person's record shows no prior violation, the director shall terminate the suspension upon payment of a reinstatement fee of twenty dollars and submission of proof of insurance, as prescribed by the director; (2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the director shall terminate the suspension ninety days after its effective date upon payment of a reinstatement fee of two hundred dollars and submission of proof of insurance, as prescribed by the director; (3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the director. 4. In the event that proof of insurance as prescribed by the director has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of

insurance has been filed. In no event shall filing proof of insurance reduce any period of suspension. If proof of insurance is not maintained during the three-year period following the reinstatement or termination of the suspension, the director shall again suspend the license and motor vehicle registration until proof of insurance is filed or the three-year period has elapsed. In no event shall filing proof of insurance reduce any period of suspension. 5. Notwithstanding the provisions of subsection 1 of this section, the director shall not suspend the registration or registrations of any owner who establishes to the satisfaction of the director that the owner's motor vehicle was inoperable or being stored and not operated on the date proof of financial responsibility is required by the director. ---------- (L. 1999 S.B. 19 § 4, A.L. 2000 H.B. 1797 merged with H.B. 1948) Effective 8-28-00 (H.B. 1948); 7-01-02 (H.B. 1797) see § 303.415 Expires 6-30-07; see § 303.415

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.412 - Reporting by insurance companies, frequency, required information — revenue to notify department of violation, penalty, exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.412. Reporting by insurance companies, frequency, required information — revenue to notify department of violation, penalty, exceptions. —1. Beginning March 1, 2003, before the seventh working date of each calendar month, all licensed insurance companies in this state shall provide to the designated agent a record of all policies in effect on the last day of the preceding month. This subsection shall not prohibit more frequent reporting. 2. The record pursuant to subsection 1 of this section shall include the following: (1) The name, date of birth, driver's license number and address of each insured; (2) The make, year and vehicle identification number of each insured motor vehicle; (3) The policy number and effective date of the policy. 3. The department of revenue shall notify the department of commerce and insurance of any insurer who violates any provisions of this act. The department of commerce and insurance may, against any insurer who fails to comply with this section, assess a fine not greater than one thousand dollars per day of noncompliance. The department of revenue may assess a fine not greater than one thousand dollars per day against the designated agent for failure to complete the project by the dates designated in sections 303.400 to 303.415 unless the delay is deemed beyond the control of the designated agent or the designated agent provides acceptable proof that such a noncompliance was inadvertent, accidental or the result of excusable neglect. The department of commerce and insurance shall excuse the fine against any insurer if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect. ---------- (L. 1999 S.B. 19 § 5, A.L. 2000 H.B. 1797) Effective 7-01-02; see § 303.415 Expires 6-30-07; see § 303.415

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.415 - Effective and expiration dates.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.415. Effective and expiration dates. —1. Sections 303.400 and 303.403 shall become effective on July 1, 2002, and shall expire on June 30, 2007. 2. The enactment of section 303.025, and the repeal and reenactment of sections 303.406, 303.409, 303.412 and 303.415 shall become effective July 1, 2002 and sections 303.406, 303.409 and 303.412 shall expire on June 30, 2007. ---------- (L. 1999 S.B. 19 §§ 6, D, A.L. 2000 H.B. 1797) Effective 7-01-02

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.420 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.420. Definitions. —As used in sections 303.420 to 303.440, unless the context requires otherwise, the following terms shall mean: (1)"Program", the motor vehicle financial responsibility enforcement and compliance incentive program established under section 303.425; (2)"Qualified agency", the department of revenue, the Missouri state highway patrol, the prosecuting attorney or sheriff's office of any county or city not within a county, the chiefs of police of any city or municipality, or any other authorized law enforcement agency recognized by the state; (3)"System"or"verification system", the web-based resource established under section 303.430 for online verification of motor vehicle financial responsibility. ---------- (L. 2023 S.B. 398)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.422 - Fund created, use of moneys.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.422. Fund created, use of moneys. —1. There is hereby created in the state treasury the "Motor Vehicle Financial Responsibility Verification and Enforcement Fund", which shall consist of money received by the department of revenue under sections 303.420 to 303.440. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of revenue for the administration of sections 303.420 to 303.440. 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. 3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. ---------- (L. 2023 S.B. 398)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.425 - Incentive program created — use of third-party vendors — comparison of information — use of data — access to system — suspension of registration, when, procedure — report — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.425. Incentive program created — use of third-party vendors — comparison of information — use of data — access to system — suspension of registration, when, procedure — report — rulemaking authority. —1. (1) There is hereby created within the department of revenue the motor vehicle financial responsibility enforcement and compliance incentive program. The department of revenue may enter into contractual agreements with third-party vendors to facilitate the necessary technology and equipment, maintenance thereof, and associated program management services. (2) The department of revenue or a third-party vendor shall utilize technology to compare vehicle registration information with the financial responsibility information accessible through the system. The department of revenue shall utilize this information to identify motorists who are in violation of the motor vehicle financial responsibility law. The department of revenue may offer offenders under this program the option of pretrial diversion as an alternative to statutory fines or reinstatement fees prescribed under the motor vehicle financial responsibility law as a method of encouraging compliance and discouraging recidivism. (3) The department of revenue or third-party vendors shall not use any data collected from or technology associated with any automated motor vehicle financial responsibility enforcement system. For purposes of this subdivision,"motor vehicle financial responsibility enforcement system"means a device consisting of a camera or cameras and vehicle sensor or sensors installed to record motor vehicle financial responsibility violations. (4) All fees paid to or collected by third-party vendors under sections 303.420 to 303.440 may come from violator diversion fees generated by the pretrial diversion option established under this section. 2. The department of revenue may authorize law enforcement agencies or third-party vendors to use technology to collect data for the investigation, detection, analysis, and enforcement of the motor vehicle financial responsibility law. 3. The department of revenue may authorize traffic enforcement officers or third-party vendors to administer the processing and issuance of notices of violation, the collection of fees for a violation of the motor vehicle financial responsibility law, or the referral of cases for prosecution, under the program. 4. Access to the system shall be restricted to qualified agencies and the third-party vendors with which the department of revenue contracts for purposes of the program, provided that any third-party vendor with which a contract is executed to provide necessary technology, equipment, or maintenance for the program shall be authorized as necessary to collaborate for required updates and maintenance of system software. 5. For purposes of the program, any data collected and matched to a corresponding vehicle insurance record as verified through the system, and any Missouri vehicle registration database, may be used to identify violations of the motor vehicle financial responsibility law. Such corresponding data shall constitute evidence of the violations. 6. Except as otherwise provided in this section, the department of revenue shall suspend, in accordance with section 303.041, the registration of any motor vehicle that is determined under the program to be in violation of the motor vehicle financial responsibility law. 7. The department of revenue shall send to an owner whose vehicle is identified under the program as being in violation of the motor vehicle financial responsibility law a notice that the vehicle's registration may be suspended unless the owner, within thirty days, provides proof of financial responsibility for the vehicle or proof, in a form specified by the department of revenue, that the owner has a pending criminal charge for a violation of the motor vehicle financial responsibility law. The notice shall include information on steps an individual may take to obtain proof of financial responsibility and a web address to a page on the department of revenue's website where information on obtaining proof of financial responsibility shall be provided. If proof of financial responsibility or a pending criminal charge is not provided within the time allotted, the department of revenue shall provide a notice of suspension and suspend the vehicle's registration in accordance with section 303.041, or shall send a notice of vehicle registration suspension, clearly specifying the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the vehicle owner to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made, as well as informing the owner that the matter will be referred for prosecution if a satisfactory response is not received in the time allotted, informing the owner that the minimum penalty for the violation is three hundred dollars, and offering the owner participation in a pretrial diversion option to preclude referral for prosecution and registration suspension under sections 303.420 to 303.440. The notice of vehicle registration suspension shall give a period of thirty-three days from mailing for the vehicle owner to respond, and shall be deemed received three days after mailing. If no request for a hearing or agreement to participate in the diversion option is received by the department of revenue prior to the date provided on the notice of vehicle registration suspension, the director shall suspend the vehicle's registration, effective immediately, and refer the case to the appropriate prosecuting attorney. If an agreement by the vehicle owner to participate in the diversion option is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then upon payment of a diversion participation fee not to exceed two hundred dollars, agreement to secure proof of financial responsibility within the time provided on the notice of suspension, and agreement that such financial responsibility shall be maintained for a minimum of two years, no points shall be assessed to the vehicle owner's driver's license under section 302.302 and the department of revenue shall not take further action against the vehicle owner under sections 303.420 to 303.440, subject to compliance with the terms of the pretrial diversion option. The department of revenue shall suspend the vehicle registration of, and shall refer the case to the appropriate prosecuting attorney for prosecution of, participating vehicle owners who violate the terms of the pretrial diversion option. If a request for hearing is received by the department of revenue prior to the effective date provided on the notice of vehicle registration suspension, then for all purposes other than eligibility for participation in the diversion option, the

effective date of the suspension shall be stayed until a final order is issued following the hearing. The department of revenue shall suspend the registration of vehicles determined under the final order to have violated the motor vehicle financial responsibility law, and shall refer the case to the appropriate prosecuting attorney for prosecution. Notices under this subsection shall be mailed to the vehicle owner at the last known address shown on the department of revenue's records. The department of revenue or its third-party vendor shall issue receipts for the collection of diversion participation fees. Except as otherwise provided in subsection 1 of this section, all such fees shall be deposited into the motor vehicle financial responsibility verification and enforcement fund established in section 303.422. A vehicle owner whose registration has been suspended under sections 303.420 to 303.440 may obtain reinstatement of the registration upon providing proof of financial responsibility and payment to the department of revenue of a nonrefundable reinstatement fee equal to the fee that would be applicable under subsection 2 of section 303.042 if the registration had been suspended under section 303.041. 8. Data collected or retained under the program shall not be used by any entity for purposes other than enforcement of the motor vehicle financial responsibility law. Data collected and stored by law enforcement under the program shall be considered evidence if noncompliance with the motor vehicle financial responsibility law is confirmed. The evidence, and an affidavit stating that the evidence and system have identified a particular vehicle as being in violation of the motor vehicle financial responsibility law, shall constitute probable cause for prosecution and shall be forwarded in accordance with subsection 7 of this section to the appropriate prosecuting attorney. 9. Owners of vehicles identified under the program as being in violation of the motor vehicle financial responsibility law shall be provided with options for disputing such claims which do not require appearance at any state or local court of law, or administrative facility. Any person who presents timely proof that he or she was in compliance with the motor vehicle financial responsibility law at the time of the alleged violation shall be entitled to dismissal of the charge with no assessment of fees or fines. Proof provided by a vehicle owner to the department of revenue that the vehicle was in compliance at the time of the suspected violation of the motor vehicle financial responsibility law shall be recorded in the system established by the department of revenue under section 303.430. 10. The collection of data pursuant to this section shall be done in a manner that prohibits any bias towards a specific community, race, gender, or socioeconomic status of vehicle owner. 11. Law enforcement agencies, third-party vendors, or other entities authorized to operate under the program shall not sell data collected or retained under the program for any purpose or share it for any purpose not expressly authorized in this section. All data shall be secured and any third-party vendor or other entity authorized to operate under the program may be liable for any data security breach. 12. The department of revenue shall not take action under sections 303.420 to 303.440 against vehicles registered as fleet vehicles under section 301.032, or against vehicles known to the department of revenue to be insured under a policy of commercial auto coverage, as such term is defined in subdivision (10) of subsection 2 of section 303.430. 13. Following one year after the implementation of the program, and every year thereafter for a period of five years, the department of revenue shall provide a report to the president pro tempore of the senate, the speaker of the house of representatives, the chairs of the house and senate committees with jurisdictions over insurance or transportation matters, and the chairs of the house budget and senate appropriations committees. The report shall include an evaluation of program operations, information as to the costs of the program incurred by the department of revenue, insurers, and the public, information as to the effectiveness of the program in reducing the number of uninsured motor vehicles, and anonymized demographic information including the race and zip code of vehicle owners identified under the program as being in violation of the motor vehicle financial responsibility law, and may include any additional information and recommendations for improvement of the program deemed appropriate by the department of revenue. The department of revenue may, by rule, require the state, counties, and municipalities to provide information in order to complete the report. 14. The department of revenue may promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void. ---------- (L. 2023 S.B. 398, A.L. 2024 S.B. 1359)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.430 - Verification of financial responsibility, web-based system established — requirements — advisory council — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.430. Verification of financial responsibility, web-based system established — requirements — advisory council — rulemaking authority. —1. The department of revenue shall establish and maintain a web-based system for the verification of motor vehicle financial responsibility, shall provide access to insurance reporting data and vehicle registration and financial responsibility data, and shall require motor vehicle insurers to establish functionality for the verification system, as provided in sections 303.420 to 303.440. The verification system, including any exceptions as provided for in sections 303.420 to 303.440 or in the implementation guide developed to support the program, shall supersede any existing verification system, and shall be the sole system used for the purpose of verifying financial responsibility required under this chapter. 2. The system established pursuant to subsection 1 of this section shall be subject to the following: (1) The verification system shall transmit requests to insurers for verification of motor vehicle insurance coverage via web services established by the insurers through the internet in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration, or "IICMVA". Insurance company systems shall respond to each request

with a prescribed response upon evaluation of the data provided in the request. The system shall include appropriate protections to secure its data against unauthorized access, and the department of revenue shall maintain a historical record of the system data for a period of no more than twelve months from the date of all requests and responses. The system shall be used for verification of the financial responsibility required under this chapter. The system shall be accessible to authorized personnel of the department of revenue, the courts, law enforcement personnel, and other entities authorized by the state as permitted by state or federal privacy laws, and it shall be interfaced, wherever appropriate, with existing state systems. The system shall include information enabling the department of revenue to submit inquiries to insurers regarding motor vehicle insurance which are consistent with insurance industry and IICMVA recommendations, specifications, and standards by using the following data elements for greater matching accuracy: insurer National Association of Insurance Commissioners, or "NAIC", company code; vehicle identification number; policy number; verification date; or as otherwise described in the specifications and standards of the IICMVA. The department of revenue shall promulgate rules to offer insurers who insure one thousand or fewer vehicles within this state an alternative method for verifying motor vehicle insurance coverage in lieu of web services, and to provide for the verification of financial responsibility when financial responsibility is proven to the department to be maintained by means other than a policy of motor vehicle insurance. Insurers shall not be required to verify insurance coverage for vehicles registered in other jurisdictions; (2) The verification system shall respond to each request within a time period established by the department of revenue. An insurer's system shall respond within the time period prescribed by the IICMVA's specifications and standards. Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to the department of revenue. Insurers shall not be subject to enforcement fees or other sanctions under such circumstances, or when systems are not available because of emergency, outside attack, or other unexpected outages not planned by the insurer and reasonably outside its control; (3) The system shall assist in identifying violations of the motor vehicle financial responsibility law in the most effective way possible. Responses to individual insurance verification requests shall have no bearing on whether insurance coverage is determined to be in force at the time of a claim. Claims shall be individually investigated to determine the existence of coverage. Nothing in sections 303.420 to 303.440 shall prohibit the department of revenue from contracting with a third-party vendor or vendors who have successfully implemented similar systems in other states to assist in establishing and maintaining this verification system; (4) The department of revenue shall consult with representatives of the insurance industry and may consult with third-party vendors to determine the objectives, details, and deadlines related to the system by establishment of an advisory council. Members of the advisory council shall serve in an advisory capacity in matters pertaining to the administration of sections 303.420 to 303.440, as the department of revenue may request. The advisory council shall expire one year after implementation of the program. The advisory council shall consist of voting members comprised of: (a) The director of the department of commerce and insurance, or his or her designee, who shall serve as chair; (b) Two representatives of the department of revenue, to be appointed by the director of the department of revenue; (c) One representative of the department of commerce and insurance, to be appointed by the director of the department of commerce and insurance; (d) Three representatives of insurance companies, to be appointed by the director of the department of commerce and insurance; (e) One representative from the Missouri Insurance Coalition; (f) One representative chosen by the National Association of Mutual Insurance Companies; (g) One representative chosen by the American Property and Casualty Insurance Association; (h) One representative chosen by the Missouri Independent Agents Association; and (i) Such other representatives as may be appointed by the director of the department of commerce and insurance; (5) The department of revenue shall publish for comment, and then issue, a detailed implementation guide for its online verification system; (6) The department of revenue and its third-party vendors, if any, shall each maintain a contact person for insurers during the establishment, implementation, and operation of the system; (7) If the department of revenue has reason to believe a vehicle owner does not maintain financial responsibility as required under this chapter, it may also request an insurer to verify the existence of such financial responsibility in a form approved by the department of revenue. In addition, insurers shall cooperate with the department of revenue in establishing and maintaining the verification system established under this section, and shall provide motor vehicle insurance policy status information as provided in the rules promulgated by the department of revenue; (8) Every property and casualty insurance company licensed to issue motor vehicle insurance or authorized to do business in this state shall comply with sections 303.420 to 303.440, and corresponding rules promulgated by the department of revenue, for the verification of such insurance for every vehicle insured by that company in this state; (9) Insurers shall maintain a historical record of insurance data for a minimum period of six months from the date of policy inception or policy change for the purpose of historical verification inquiries; (10) For the purposes of this section,"commercial auto coverage"shall mean any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial coverage form and rated from a commercial manual approved by the department of commerce and insurance. Sections 303.420 to 303.440 shall not apply to vehicles insured under commercial auto coverage; however, insurers of such vehicles may participate on a voluntary basis, and vehicle owners may provide proof at or subsequent to the time of vehicle registration that a vehicle is insured under commercial auto coverage, which the department of revenue shall record in the system; (11) Insurers shall provide commercial or fleet automobile customers with evidence reflecting that the vehicle is insured under a commercial or fleet automobile liability policy. Sufficient evidence shall include an insurance identification card clearly marked with a suitable identifier such as "commercial auto insurance identification card", "fleet auto insurance identification card", or other clear identification that the vehicle is insured under a fleet or commercial policy; (12) Notwithstanding any provision of sections 303.420 to 303.440, insurers shall be immune from civil and administrative liability for good faith efforts to comply with the terms of sections 303.420 to 303.440; (13) Nothing in this section shall prohibit an insurer from using the services of a third-party vendor for facilitating the verification system required under sections 303.420 to 303.440. 3. The department of revenue shall promulgate rules

as necessary for the implementation of sections 303.420 to 303.440. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void. ---------- (L. 2023 S.B. 398, A.L. 2024 S.B. 1359)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 303 - Motor Vehicle Financial Responsibility LawSection 303.440 - Operational date for verification system — testing or pilot period.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 303 303.440. Operational date for verification system — testing or pilot period. —The verification system established under section 303.430 shall be installed and fully operational no later than December 31, 2027, or as soon as technologically possible following the development and maintenance of a modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's licenses and identification cards, and perfection and release of liens and encumbrances on vehicles, to be funded by the motor vehicle administration technology fund as created in section 301.558, following an appropriate testing or pilot period of not less than nine months. Until the successful completion of the testing or pilot period in the judgment of the director of the department of revenue, no enforcement action shall be taken based on the system, including but not limited to action taken under the program established under section 303.425. ---------- (L. 2023 S.B. 398, A.L. 2024 S.B. 1359)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.001 - Definitions for chapter 304 and chapter 307.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.001. Definitions for chapter 304 and chapter 307. —As used in this chapter and chapter 307, the following terms shall mean: (1)"Abandoned property", any unattended motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in sections 304.155 and 304.157, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a crime inquiry and inspection report; (2)"Commercial vehicle enforcement officers", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles; (3)"Commercial vehicle inspectors", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to supervise or operate permanent or portable weigh stations in the enforcement of commercial vehicle laws; (4)"Commission", the state highways and transportation commission; (5)"Department", the state transportation department; (6)"Freeway", a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings; (7)"Interstate highway", a state highway included in the national system of interstate highways located within the boundaries of Missouri, as officially designated or as may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Transportation, pursuant to Title 23, U.S.C., as amended; (8)"Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway patrol; (9)"Off-road vehicle", any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail: (a) Including, without limitation, the following: a. Jeeps; b. All-terrain vehicles; c. Dune buggies; d. Multiwheel drive or low-pressure tire vehicles; e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires; f. Motorcycles, trail bikes, minibikes and related vehicles; g. Any other means of transportation deriving power from any source other than muscle or wind; and (b) Excluding the following: a. Registered motorboats; b. Aircraft; c. Any military, fire or law enforcement vehicle; d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products; e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site; f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; g. Any vehicle being used for the purpose of transporting a handicapped person; h. Electric bicycles, as defined in section 301.010; (10)"Person", any natural person, corporation, or other legal entity; (11)"Right-of-way", the entire width of land between the boundary lines of a state highway, including any roadway; (12)"Roadway", that portion of a state highway ordinarily used for vehicular travel, exclusive of the berm or shoulder; (13)"State highway", a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way; (14)"Towing company", any person or entity which tows, removes or stores abandoned property; (15)"Urbanized area", an area with a population of fifty thousand or more designated by the Bureau of the Census, within boundaries to be fixed by the state highways and transportation commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census. ---------- (L. 1983 H.B. 539, A.L. 1988 H.B. 990, A.L. 1994 S.B. 475, A.L. 1996 S.B. 560, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2021 S.B. 176)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.005 - Autocycle — defined—protective headgear not required — valid driver's license required to operate.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.005. Autocycle — defined—protective headgear not required — valid driver's license required to operate. —1. As used in this section, the term"autocycle"means a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards. 2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an autocycle may not be required to wear protective headgear. 3. No person shall operate an autocycle on any highway or street in this state unless the person has a valid driver's license. The operator of an autocycle, however, shall not be required to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340. ---------- (L. 2016 H.B. 1976, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2018 S.B. 881)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.009 - Speed limit — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.009. Speed limit — violation, penalty. —1. Notwithstanding the provisions of section 304.010, a speeding violation of section 304.010 which is over the posted speed limit by five miles per hour or less is an infraction. The court costs assessed for a violation of this section shall be the same as the costs assessed pursuant to section 304.010. 2. No points shall be assessed pursuant to section 302.302 for any speeding violation which is over the posted speed limit by five miles per hour or less. 3. Notwithstanding any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation which is classified as an infraction. ---------- (L. 1973 1st Ex. Sess. H.B. 1 § 1, A.L. 1975 H.B. 616 § 1, A.L. 1977 H.B. 375, A.L. 1979 H.B. 325, A.L. 1981 H.B. 474, A.L. 1987 S.B. 83, A.L. 1995 H.B. 717, A.L. 1996 H.B. 1047) Effective 3-13-96 (1984) Director of Revenue may not assess points for speeding violations on state limited access highways within city limits, if the city ordinance violates, duplicates, or concurs with, the state set limits. Knierim v. James (Mo. banc), 677 S.W.2d 322.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.010 - Definitions — maximum speed limits — cities, towns, villages, certain counties, may set speed limit, how set — slower speeds set, when — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.010. Definitions — maximum speed limits — cities, towns, villages, certain counties, may set speed limit, how set — slower speeds set, when — violations, penalty. —1. As used in this section, the following terms mean: (1)"Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway; (2)"Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway; (3)"Rural interstate", that part of the federal interstate highway system that is not located in an urban area; (4)"Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile. 2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section: (1) Upon the rural interstates and freeways of this state, seventy miles per hour; (2) Upon the rural expressways of this state, sixty-five miles per hour; (3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour; (4) All other roads and highways in this state not located in an urbanized area and not provided for in subdivisions (1) to (3) of this subsection, sixty miles per hour; (5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour; (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit. 3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour. 4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is: (1) Not

primarily designed to expedite traffic flow; and (2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. --If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect. 5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The maximum speed limit set by the county commission of any county of the second, third, or fourth classification for any road under the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is properly marked by signs indicating such speed limit. If the county commission does not mark the roads with signs indicating the speed limit, the speed limit shall be fifty miles per hour. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection 1 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law. 6. The county commission of any county of the second, third, or fourth classification may by ordinance set a countywide speed limit on roads within unincorporated areas of any county, township, or road district in the county and may establish reasonable speed regulations for motor vehicles within the limit of such county. No person who is not a resident of such county and who has not been within the limits thereof for a continuous period of more than forty-eight hours shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such county road enters the county a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such county so that such signs may be clearly seen by operators and drivers from their vehicles upon entering such county. The commission shall send copies of any order establishing a countywide speed limit on a county, township, or road district road in the county to the chief engineer of the Missouri department of transportation, the superintendent of the state highway patrol, and to any township or road district maintaining roads in the county. After the boundaries of the county roads entering the county have been properly marked by signs indicating the speed limits set by the county commission, the speed limits shall be of the same effect as the speed limits provided for in subsection 1 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits were established by state law. 7. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation. 8. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996. 9. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022. 10. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action. 11. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor. ---------- (RSMo 1939 § 8383, A.L. 1957 p. 631, A.L. 1965 pp. 95, 594, A.L. 1969 H.B. 46 & 483, A.L. 1972 H.B. 1297, A.L. 1979 S.B. 44, A.L. 1985 H.B. 288, et al. merged with S.B. 408, A.L. 1987 S.B. 83, A.L. 1991 H.B. 25, A.L. 1995 H.B. 717, A.L. 1996 H.B. 1047, A.L. 2004 H.B. 795, et al.) (1960) A railroad track itself is a warning of danger and a highway traveler must exercise the highest degree of care in crossing the track. A motorist approaching a railroad crossing with which he is familiar who fails to look or to see that which is plainly visible if he performs his duty to look, is contributorily negligent. Pipes v. Mo. Pacific Railroad Co. (Mo.), 338 S.W.2d 30. (1960) Where information used some of the language of the statute in charging careless and reckless driving and went on to particularized saying that the vehicle was operated at a high rate of speed, weaving back and forth across the road and running through city stop signs, while not recommended for future use, held sufficient as an information. State v. Tevis (A.), 340 S.W.2d 415. (1961) Operator of motor vehicle about to drive across railroad tracks on which a train is approaching is required to exercise the highest degree of care for his own safety. Reedy v. Missouri -Kansas-Texas Ry. Co. (Mo.), 347 S.W.2d 111. (1961) Every operator of a motor vehicle has a duty to exercise the highest degree of care and such care includes the warning of other motorists on the highway while the vehicle is stopped on the paved portion of the road after the vehicle had stalled and ceased to run. Phillips v. Stockman (A.), 351 S.W.2d 464. (1961) On trial for violating speed regulations under this section evidence as to prior conviction of offense committed subsequent to the offense for which the accused was on trial held admissible in evidence. State v. Hunt (A.), 352 S.W.2d 57. (1962) Wife, seated in right front seat of car her husband left parked with the motor running, who in moving over to make room for another occupant accidentally stepped on accelerator causing car to lunge forward and crash through store, injuring plaintiff, became operator of the car within meaning of statute. Hay v. Ham (A.), 364 S.W.2d 118. (1965) This section is designed to prevent danger and it is unnecessary for the state to show that any specific person was actually put in danger in order to sustain a conviction. State v. McNail (A.), 389 S.W.2d 214. (1965) Information failing to state that offense occurred on a highway did not charge a crime. State v. Bartlett (A.), 394 S.W.2d 434. (1966) Duty of a motorist to use the highest degree of care is not limited to the paved portion of a highway, but extends to the shoulder of the highway. Ely v. Parsons (A.), 399 S.W.2d 613. (1966) To fulfill his statutory duty to exercise the highest degree of care at all times and to keep a careful and vigilant lookout for other persons and vehicles on the highway, a motorist is

required to look in such an observant manner as to enable him to see that which a person in the exercise of the highest degree of care would be expected to see under similar circumstances, and he must be held to have seen what looking would have revealed. Weathers v. Falstaff Brewing Corp. (A.), 403 S.W.2d 663. (1968) Failure to yield the right-of-way is specifically denounced as an offense, but an information charging careless and imprudent driving by failure to yield the right-of-way at a place where required by statute to do so, includes the offense as descriptive of what happened and in what manner defendant drove imprudently. State v. Richards (A.), 429 S.W.2d 351. (1971) Information failing to state that offense occurred on a highway did not charge a crime. State v. Rollins (A.), 469 S.W.2d 46. (1972) To constitute careless and imprudent driving there must be conduct which shows under all the existing circumstances and conditions that the property of another or the life or limb of any person is endangered; therefore, evidence that defendant spun his car around two or three times in intersection, making tires squeal and throwing rocks, was insufficient to support conviction of the offense. State v. Todd (A.), 477 S.W.2d 725. (1977) This section does not impose a duty to exercise the highest degree of care to save all persons from harm proximately resulting from operation of motor vehicles. Ford v. Monroe (A.), 559 S.W.2d 759. (1984) Offense of careless and imprudent driving is not the "same offense" for double jeopardy purposes as a manslaughter charge. State v. Noerper (Mo. App.E.D.), 674 S.W.2d 100. (1984) Director of revenue may not assess points for speeding violations on state limited access highways within city limits, if the city ordinance violates, duplicates or concurs with the state set limits. Knierim v. James (Mo. banc), 677 S.W.2d 322. (1990) Motorist stopped on roadway to repair an automobile is considered to be "operating" an automobile within the provision requiring the highest degree of care. Phillips v. United States, 743 F.Supp. 681 (E.D.Mo.). (1993) Where high speed chase by law enforcement officers resulted in one civilian death and substantial property damage and personal injury to others, statute that provides some regulations for operation of emergency vehicles does not create duty to particular individuals as distinguished from general public; therefore duty created is to public and not to individuals. Boyle v. City of Liberty, Mo., 833 F.Supp. 1436 (W.D. Mo.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.011 - Slow speed, regulation of — agricultural implements, slower speeds, when, special permits required — penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.011. Slow speed, regulation of — agricultural implements, slower speeds, when, special permits required — penalties. —1. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace officers may enforce the provisions of this section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is a misdemeanor. 2. No vehicle shall be operated at a speed of less than forty miles per hour on any highway which is part of the interstate system of highways, unless: (1) A slower speed is required for the safe operation of the vehicle because of weather or other special conditions; or (2) Agricultural implements, self-propelled hay-hauling equipment, implements of husbandry and vehicles transporting such vehicles or equipment may be operated occasionally on interstate highways for short distances at a speed of less than forty miles per hour if such vehicle or equipment is operated pursuant to a special permit issued by the chief engineer of the state department of transportation pursuant to section 304.200 and the regulations established pursuant to such section. 3. Any person who violates subsection 2 of this section is guilty of a class C misdemeanor. ---------- (L. 1957 p. 631, A.L. 1996 H.B. 1047) Effective 3-13-96

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.012 - Motorists to exercise highest degree of care — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.012. Motorists to exercise highest degree of care — violation, penalty. —1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care. 2. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved then it shall be a class A misdemeanor. ---------- (L. 1996 H.B. 1047) Effective 3-13-96 (2002) Riding lawn mower is considered a motor vehicle under section. Stonger ex rel. Stonger v. Riggs, 85 S.W.3d 703 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.013 - All-terrain vehicles, prohibited on highways, rivers or streams of this state, exceptions, operational requirements — special permits — prohibited uses — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.013. All-terrain vehicles, prohibited on highways, rivers or streams of this state, exceptions, operational requirements — special permits — prohibited uses — penalty. —1. No person shall operate an all-terrain vehicle, as defined in section 301.010, upon the highways of this state, except as follows: (1) All-terrain vehicles owned and operated by a governmental entity for official use; (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation; (3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset; (4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits; (5)

Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits; (6) Municipalities may by resolution or ordinance allow all-terrain vehicle operation on streets or highways under the governing body's jurisdiction. Any person operating an all-terrain vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with section 303.160 or maintain any other insurance policy providing equivalent liability coverage for an all-terrain vehicle. 2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction. 3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. 4. No persons shall operate an all-terrain vehicle: (1) In any careless way so as to endanger the person or property of another; (2) While under the influence of alcohol or any controlled substance; (3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age. 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person. 6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation. ---------- (L. 1988 H.B. 990, A.L. 1990 H.B. 1279, A.L. 1997 H.B. 389, A.L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489 merged with S.B. 1233, et al., A.L. 2013 H.B. 103)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.014 - Rules of the road to be observed.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.014. Rules of the road to be observed. —Every person operating or driving a vehicle upon the highways of this state shall observe and comply with the following rules of the road. ---------- (L. 1953 p. 587 § 304.020) (1951) Instruction authorizing recovery on finding defendant negligently failed to stop his vehicle at intersection held erroneous because it does not require finding that defendant had reason to apprehend danger of collision. Lillard v. Bradford, 241 (A.), 243 S.W.2d 359. (1952) Where vehicle was operated on icy pavement in the lane adjacent to center line of six lane street and collided with vehicle making left turn in front of it from extreme right-hand lane, negligence of operator was for jury. Wines v. Goodyear Tire & Rubber Co. (A.), 246 S.W.2d 525. (1952) Requirement to operate vehicles as close to the right-hand side of the highway as practicable does not receive literal construction, but has reference to the attending circumstances and to the usable or passable way. Moss v. Stevens (Mo.), 247 S.W.2d 782. (1953) Where, on conflicting evidence, court found that plaintiff began passing operation and reasonably expected to complete it before reaching intersection, it was not error to refuse instruction requiring finding for defendant on theory plaintiff was attempting to pass at intersection in violation of this section. Cockrill v. Buchanan (A.), 259 S.W.2d 696. (1953) Where there was pile of loose chat on black top highway at intersection, question of negligence where driver, in making left turn, failed to "run beyond the center of the intersection ..... before turning ....." as required by subsection 6 of § 304.020 (prior to its repeal in 1953) held for jury. Lix v. Gastian (A.), 261 S.W.2d 497. (1954) Fact that plaintiff drove his car in the one lane usable part of county road does not convict him of negligence as a matter of law, because he was not on right side of highway at time of collision at intersection. Hadley v. Smith (A.), 268 S.W.2d 444.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.015 - Drive on right of highway — traffic lanes — signs — violations, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.015. Drive on right of highway — traffic lanes — signs — violations, penalties. —1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance. 2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows: (1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement; (2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.025 or traffic regulations thereunder or of municipalities; (3) When the right half of a roadway is closed to traffic while under construction or repair; (4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic. 3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a

dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the state highways and transportation commission or the department of transportation. The provisions of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the commission or the department. 4. The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri highway patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs. 5. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply: (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety; (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation; (3) Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.025; (4) Official signs may be erected by the highways and transportation commission or the highway patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign; (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible. 6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals. 7. All trucks registered for a gross weight of more than forty-eight thousand pounds shall not be driven in the far left-hand lane upon all interstate highways, freeways, or expressways within urbanized areas of the state having three or more lanes of traffic proceeding in the same direction. This restriction shall not apply when: (1) It is necessary for the operator of the truck to follow traffic control devices that direct use of a lane other than the right lane; or (2) The right half of a roadway is closed to traffic while under construction or repair. 8. As used in subsection 7 of this section,"truck"means any vehicle, machine, tractor, trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010. 9. Violation of this section shall be deemed a class C misdemeanor unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class B misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor. ---------- (L. 1953 p. 587 § 304.020, A.L. 1971 H.B. 110, A.L. 1996 H.B. 1047, A.L. 2001 S.B. 244, A.L. 2008 S.B. 930 & 947, A.L. 2010 H.B. 1540) (1960) Under the 1953 statute a motorist is not required to operate his automobile "as close to the right hand side of the highway as is practicable". Lewis v. Nelson, 277 F.2d 207. (1961) Where motor vehicle skidded on icy pavement and stopped blocking part of highway on grade below crest of hill, operator properly engaged in moving the vehicle rather than going to top of hill to warn other motorists since her car could be seen for a distance of 325 feet. Eastman v. Brackman (Mo.), 347 S.W.2d 126. (1965) Unexplained skidding of a vehicle into left half of roadway is not ipso facto negligence. It leaves open the question of negligence. Wray v. King (A.), 385 S.W.2d 831. (1965) This section does not require vehicle to make use of part of road which is in fact impassable and unavailable for travel, and motorist may be excused from statutory violation where he deviates from prescribed course of travel in order to avoid a dangerous obstruction. Tiner v. Hill (A.), 394 S.W.2d 425. (1967) Purpose of this section is to change common law rule that one had the right to use either side of highway if way was unobstructed. This section does not create a motorist's duty to a pedestrian to avoid driving to the right of the right half of the roadway. Skiles v. Schlake (Mo.), 421 S.W.2d 244. (1973) Backing road grader in southerly direction on northbound lane of highway held not to constitute driving on wrong side of road. Bounds v. Scott Construction Co. (Mo.), 498 S.W.2d 765.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.016 - Passing regulations — violations, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.016. Passing regulations — violations, penalties. —1. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated: (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle. 2. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions: (1) When the vehicle overtaken is making or about to make a left turn; (2) Upon a city street with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; (3) Upon a one-way street; (4) Upon any highway outside of a city with unobstructed pavement of sufficient width and clearly marked for four or more lines of traffic.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway. 3. Except when a roadway has been divided into three traffic lanes, no vehicle shall be driven to the left side of the center line of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. 4. No vehicle shall at any time be driven to the left side of the roadway under the following conditions: (1) When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction; (2) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, tunnel or when approaching within one hundred feet of or at any intersection or railroad grade crossing. 5. Violation of this section shall be deemed a class C misdemeanor. ---------- (L. 1953 p. 587 § 304.020, A.L. 1992 H.B. 958, A.L. 1996 H.B. 1047) (1962) The statute does not relieve the operator of a vehicle in an intersection area of the duty to keep a lookout for another vehicle violating this section. Myers v. Searcy (Mo.), 356 S.W.2d 59. (1962) Defendant who attempted to pass on right an automobile stopped on pavement with turn signals flashing for left turn, turned off pavement onto shoulder where his automobile skidded and hit culvert which threw it back on road and into collision with stopped automobile, was negligent as a matter of law. Sisk v. Driggers (A.), 364 S.W.2d 76. (1963) Defendant motorist on snow covered road approaching a curve in the tracks on his left or wrong side of road was required to anticipate that another vehicle might approach on its rightful side of the road and was required to use care commensurate with circumstances, and jury could find he was required to sound horn to warn of hazard he was creating. Bunch v. Crader (A.), 369 S.W.2d 768. (1963) Motorist was not contributorily negligent as a matter of law because he was attempting to pass another automobile within 100 feet of an intersecting gravel road. Robb v. Wallace (Mo.), 371 S.W.2d 232. (1963) Evidence sufficient to sustain conviction of careless and reckless driving by driving automobile at night on left side of roadway while approaching crest of hill at point where view was obstructed for such distance as to create hazard to oncoming traffic. State v. Gish (A.), 371 S.W.2d 654. (1966) Driver being passed was under no duty to change his speed by either speeding up or slowing down while vehicles traveled abreast of each other, and was not negligent. Lawson v. Commercial Carriers, Inc. (A.), 399 S.W.2d 236. (1966) This section is for the benefit of a person entering a highway from an intersecting or side street as well as for the benefit of vehicles proceeding on the thoroughfare in the same or opposite directions. Roach v. Lacho (Mo.), 402 S.W.2d 344. (1966) Subsection 4 of this section, providing the condition under which a vehicle shall not be driven on the left side of the roadway, is not limited by its terms to vehicles overtaking and passing other vehicles. Roach v. Lacho (Mo.), 402 S.W.2d 344. (1966) The preposition "to" as used in subsection 4 of this section is synonymous with "on" or "upon". Roach v. Lacho (Mo.), 402 S.W.2d 344. (1976) Held, proper time for warning to be given is question for jury. Warning must be given to vehicle in front in reasonable time for him to recognize danger and avoid injury. Hubbard v. Lathrop (A.), 545 S.W.2d 361.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.017 - Distance at which vehicle must follow, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.017. Distance at which vehicle must follow, penalty. —1. The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This section shall in no manner affect section 304.044 relating to distance between trucks traveling on the highway. 2. Violation of this section shall be deemed a class C misdemeanor. ---------- (L. 1953 p. 587 § 304.020, A.L. 1980 H.B. 1368, A.L. 1996 H.B. 1047) (1959) This section does not apply to trucks or buses governed by § 303.044 so that if safe and prudent following distance rule is applicable to the operation of trucks it is by virtue of a common law duty and not by this section. Thebeau v. Thebeau (Mo.), 324 S.W.2d 674. (1960) Plaintiff struck by car while replacing damaged tire in truck parked on right edge of four-lane highway while tire was being replaced held entitled to allege and submit question as to whether vehicle which struck him was following another vehicle more closely than was reasonably safe and prudent. Binion v. Armentrout (Mo.), 333 S.W.2d 87. (1965) Where plaintiff had testified that he had been stopped behind school bus for about five seconds before being struck from behind, his testimony does not preclude submission of case on defendant's violation of this section. Sundermeyer v. Lentz (Mo.), 386 S.W.2d 16.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.019 - Hand and mechanical signals, violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.019. Hand and mechanical signals, violations, penalty. —1. No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein. (1) An operator or driver when stopping, or when checking the speed of the operator's vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such

operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle; (2) An operator or driver intending to turn the operator's vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle, and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning; (3) An operator or driver intending to turn the operator's vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle, and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the center line of the highway along which the operator is proceeding before turning; (4) The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the state highway patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen feet, which limit of fourteen feet shall apply to single vehicles or combinations of vehicles. The provisions of this subdivision shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further that the provisions of this section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this state after the first day of January, 1954. 2. Violation of this section shall be deemed a class C misdemeanor. ---------- (L. 1953 p. 587 § 304.020, A.L. 1996 H.B. 1047) (1954) Where plaintiff admittedly did not give hand signal of his intention to stop, and other evidence was to the effect that no electric stop signal was seen, question of contributory negligence in failing to give warning of stop held for jury even though car was equipped with adequate electrical signaling devices. White v. Rohrer (Mo.), 267 S.W.2d 31. (1958) Under the circumstances of the case, whether defendant was guilty of negligence in failing to give signal of intention to turn right at driveway was question for jury. Ilgenfritz v. Quinn (Mo.), 318 S.W.2d 186. (1959) Where driver gave timely and adequate signal of intention to stop by means of a stop light on left rear of vehicle operated off of the brake, he was not required to give hand signal. Pilkenton v. Fegley (Mo.), 321 S.W.2d 435. (1961) Section 304.019 is not limited to cases where there is a sudden checking of speed but the degree of abruptness would have a decided bearing upon whether it would reasonably affect the movement of a following vehicle. Lafferty v. Wattle (A.), 349 S.W.2d 519. (1964) A motorist who intends to turn left may not assume that other vehicles will not be on the highway in violation of rules of the road and must make proper observation to rear to see that another vehicle is not coming into such close proximity that a left turn cannot be made with reasonable safety and must give appropriate signal of intent to turn left. Reed v. Shelly (A.), 378 S.W.2d 291. (2004) Signal requirement does not apply to vehicles moving from stopped position and entering traffic; probable cause did not therefore exist for police officer to stop vehicle after defendant pulled vehicle onto street from parked position without signaling. State v. Johnson, 148 S.W.3d 338 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.022 - Emergency and stationary vehicles — use of lights and sirens — right-of-way — procedure — penalty.

There are multiple enactments of 304.022 Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 *304.022. Emergency and stationary vehicles — use of lights and sirens — right-of-way — procedure — penalty. —1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer. 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall: (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible. 3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer. 4. An"emergency vehicle"is a vehicle of any of the following types: (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company; (2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs; (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175; (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service; (5) Any

vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle; (6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44; (7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility; (8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550; (9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or (10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor. 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire. (2) The driver of an emergency vehicle may: (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025; (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation; (c) Exceed the prima facie speed limit so long as the driver does not endanger life or property; (d) Disregard regulations governing direction of movement or turning in specified directions. (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle. 6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes. 7. Violation of this section shall be deemed a class A misdemeanor. ---------- (L. 1953 p. 587 § 304.020, A.L. 1969 p. 418, A.L. 1971 H.B. 113, A.L. 1981 H.B. 183, A.L. 1986 S.B. 523 merged with H.B. 1428, A.L. 1991 S.B. 265, A.L. 1995 H.B. 424, A.L. 1996 H.B. 1047 merged with H.B. 1369, A.L. 1997 H.B. 244, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2004 S.B. 757 merged with S.B. 788, A.L. 2005 H.B. 353 merged with H.B. 487 merged with H.B. 618, A.L. 2006 S.B. 872, et al., A.L. 2007 S.B. 82 merged with S.B. 352, A.L. 2012 S.B. 470 merged with S.B. 568 merged with S.B. 611, A.L. 2016 S.B. 732, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2021 S.B. 26 merged with S.B. 53 & 60) *Revisor's Note: This section is reprinted in accordance with section 3.066. H.B. 1606, 2022, was declared unconstitutional (see 2023 annotation below), rendering the repeal and reenactment of this section ineffective. (2006) Section does not abolish, abrogate, provide, or in any way modify common law doctrine of official immunity. Davis v. Lambert-St. Louis Int'l Airport, 193 S.W.3d 760 (Mo.banc). (2023) The inclusion of Section 67.2300 in H.B. 1606 from 2022 declared unconstitutional as violating the single subject rule of Article III, § 23 of the Missouri Constitution. The remaining provisions of H.B. 1606 could not be severed and the bill is declared invalid in its entirety. Byrd, et al. v. State of Missouri, et al., 679 S.W.3d 492 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.022 - Emergency and stationary vehicles — use of lights and sirens — right-of-way — procedure — penalty.

There are multiple enactments of 304.022 Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 *304.022. Emergency and stationary vehicles — use of lights and sirens — right-of-way — procedure — penalty. —1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer. 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall: (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible. 3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer. 4. An"emergency vehicle"is a vehicle of any of the following types: (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state or a county or municipal park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company; (2) A vehicle operated as an ambulance or operated commercially for the purpose of

transporting emergency medical supplies or organs; (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175; (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service; (5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle; (6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44; (7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility; (8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550; (9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or (10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor. 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire. (2) The driver of an emergency vehicle may: (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025; (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation; (c) Exceed the prima facie speed limit so long as the driver does not endanger life or property; (d) Disregard regulations governing direction of movement or turning in specified directions. (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle. 6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes. 7. Violation of this section shall be deemed a class A misdemeanor. ---------- (L. 1953 p. 587 § 304.020, A.L. 1969 p. 418, A.L. 1971 H.B. 113, A.L. 1981 H.B. 183, A.L. 1986 S.B. 523 merged with H.B. 1428, A.L. 1991 S.B. 265, A.L. 1995 H.B. 424, A.L. 1996 H.B. 1047 merged with H.B. 1369, A.L. 1997 H.B. 244, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2004 S.B. 757 merged with S.B. 788, A.L. 2005 H.B. 353 merged with H.B. 487 merged with H.B. 618, A.L. 2006 S.B. 872, et al., A.L. 2007 S.B. 82 merged with S.B. 352, A.L. 2012 S.B. 470 merged with S.B. 568 merged with S.B. 611, A.L. 2016 S.B. 732, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2021 S.B. 26 merged with S.B. 53 & 60, A.L. 2022 H.B. 1606) *Revisor's Note: This section was declared unconstitutional in Byrd, et al. v. State of Missouri, et al. (see 2023 annotation below). (2006) Section does not abolish, abrogate, provide, or in any way modify common law doctrine of official immunity. Davis v. Lambert-St. Louis Int'l Airport, 193 S.W.3d 760 (Mo.banc). (2023) The inclusion of Section 67.2300 in H.B. 1606 from 2022 declared unconstitutional as violating the single subject rule of Article III, § 23 of the Missouri Constitution. The remaining provisions of H.B. 1606 could not be severed and the bill is declared invalid in its entirety. Byrd, et al. v. State of Missouri, et al., 679 S.W.3d 492 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.023 - Passing stopped streetcars, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.023. Passing stopped streetcars, penalty. —1. An operator or driver of a motor vehicle shall stop same not less than eight feet from the rear of any streetcar going in the same direction which has stopped for the purpose of taking on or discharging passengers, and shall remain standing until such car has taken on or discharged such passengers; provided, however, said driver or operator may pass such car where a safety zone is established by the proper authorities, providing, however, that in passing such streetcar the operator shall proceed at a speed not faster than is reasonable and with due caution for the safety of pedestrians under the circumstances then and there existing. 2. Violation of this section is a class C misdemeanor. ---------- (L. 1953 p. 587 § 304.020, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.024 - Crosswalks and parking regulations established — signs — violation, an infraction.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.024. Crosswalks and parking regulations established — signs — violation, an infraction. —1. The state highways and transportation commission with respect to highways under its jurisdiction may erect or place signs establishing crossovers or crosswalks or prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs. 2. Violation of this section shall be deemed an infraction. ---------- (L. 1953 p. 587 § 304.020, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.025 - Highway and vehicle defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.025. Highway and vehicle defined. —1. The word"highway"whenever used in sections 304.014 to 304.026 shall mean any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality. 2. The word"vehicle"whenever used in sections 304.014 to 304.026 shall mean any device operated on highways, except those used exclusively on rails or tracks. ---------- (L. 1953 p. 587 § 304.020)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.027 - Spinal cord injury fund created, uses — surcharge imposed, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.027. Spinal cord injury fund created, uses — surcharge imposed, when. —1. There is hereby created in the state treasury for use by the board of curators of the University of Missouri a fund to be known as the "Spinal Cord Injury Fund". All judgments collected pursuant to this section, appropriations of the general assembly, federal grants, private donations and any other moneys designated for the spinal cord injury fund established pursuant to this section, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the board of curators, be received and expended by the board for the purpose of funding research projects that promote an advancement of knowledge in the area of spinal cord injury. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the spinal cord injury fund at the end of any biennium shall not be transferred to the general revenue fund. 2. In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharge shall be collected and disbursed by the clerk of the court as provided by sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid into the state treasury to the credit of the spinal cord injury fund created in this section. ---------- (L. 2001 H.B. 302 & 38, A.L. 2002 H.B. 1270 and H.B. 2032 merged with S.B. 1048)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.028 - Brain injury fund created, moneys in fund, uses — surcharge imposed, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.028. Brain injury fund created, moneys in fund, uses — surcharge imposed, when. —1. There is hereby created in the state treasury for use by the department of health and senior services a fund to be known as the "Brain Injury Fund". All judgments collected pursuant to this section, federal grants, private donations and any other moneys designated for the brain injury fund shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the department of health and senior services, be received and expended by the department for the purpose of transition and integration of medical, social and educational services or activities for purposes of outreach and supports to enable individuals with traumatic brain injury and their families to live in the community. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the brain injury fund at the end of any biennium shall not be transferred to the general revenue fund. 2. In all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. 3. Such surcharge shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid to the state treasury to the credit of the brain injury fund established in this section. ---------- (L. 2002 H.B. 1270 and H.B. 2032, A.L. 2011 H.B. 464)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.029 - Operation of low-speed vehicles on highway, permitted when — exemptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.029. Operation of low-speed vehicles on highway, permitted when — exemptions. —1. Notwithstanding any other law to the contrary, a low-speed vehicle may be operated upon a highway in the state if it meets the requirements of this section. Every person operating a low-speed vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations in this section and except as to those provisions which by their nature can have no application. 2. The operator of a low-speed vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on a street or a highway with a posted speed limit greater than thirty-five miles per hour. The provisions of this subsection shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five miles per hour. 3. A low-speed vehicle shall be exempt from the requirements of sections 307.350 to 307.402 for purposes of titling and registration. Low-speed vehicles shall comply with the standards in 49 CFR 571.500, as amended. 4. Every operator of a low-speed vehicle shall maintain financial responsibility on such low-speed vehicle as required by chapter 303 if the low-speed vehicle is to be operated upon the highways of this state. 5. Each person operating a low-speed vehicle on a highway in this state shall possess a valid driver's license issued pursuant to chapter 302. 6. For purposes of this section a "low-speed vehicle" shall have the meaning ascribed to it in 49 CFR, section 571.3, as amended. 7. All low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500, as amended. 8. Nothing in

this section shall prevent county or municipal governments from adopting more stringent local ordinances governing low-speed vehicle operation if the governing body of the county or municipality determines that such ordinances are necessary in the interest of public safety. The department of transportation may prohibit the operation of low-speed vehicles on any highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety. ---------- (L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489 merged with S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.030 - Certain buses and trucks to stop at railroad crossing, when — exception, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.030. Certain buses and trucks to stop at railroad crossing, when — exception, requirements. —Every motor vehicle transporting passengers, for hire, every school bus, and every motor vehicle transporting high explosives, or poisonous or compressed inflammable gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, other than a crossing that is specifically exempted from the stopping requirement by order of the division of motor carrier and railroad safety of the department of economic development, be brought to a full stop within fifty feet, but not less than fifteen feet, from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear, except that such full stop shall not be required at a streetcar crossing within a business or residence district, nor at a railroad grade crossing protected by a watchman or traffic officer on duty or by a traffic control signal (not railroad flashing signal) giving positive indication to approaching vehicles to proceed, nor when the division of motor carrier and railroad safety has ordered the placement of an exempt sign at the crossing. ---------- (RSMo 1939 § 8399, A.L. 1988 S.B. 676) CROSS REFERENCE: Division of motor carrier and railroad safety abolished, duties and functions transferred to highways and transportation commission and department of transportation, 226.008

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.031 - Traffic signal preemption system, use of, permitted when — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.031. Traffic signal preemption system, use of, permitted when — violations, penalty. —1. As used in this section,"Traffic Signal Preemption System (TSPS)"shall mean a traffic-control system designated for use by emergency vehicles, as defined in this section, to improve traffic movement by temporarily controlling signalized intersections. 2. The owner of a traffic control signal may authorize use of a TSPS by the following persons for the following purposes: (1) An authorized operator in an authorized emergency vehicle, or an authorized person who is an employee or member of an agency or entity which operates emergency vehicles, who may activate a TSPS from a station where the entity's emergency vehicles are based to control a traffic signal near that station, in order to improve the safety and efficiency of emergency response operations; (2) An authorized operator in a bus, in order to interrupt the cycle of the traffic control signal in such a way as to keep the green light showing for longer than it otherwise would; (3) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate traffic signal maintenance activities. 3. A TSPS used by an authorized person in an emergency vehicle or at a station where emergency vehicles are stationed shall preempt and override a device operated by any other person. 4. A traffic control signal operating device used as authorized under this section must operate in such a way that the device does not continue to control the signal once the vehicle containing the device has arrived at the intersection, regardless of whether the vehicle remains at the intersection. No motor vehicle driver shall be convicted of any traffic violation if there is evidence that TSPS has been used by a government official to improperly change the sequence of the traffic signals. 5. It shall be unlawful for any person not approved herein to use a TSPS to control traffic. 6. Violation of this section shall be deemed a class B misdemeanor. ---------- (L. 2004 S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.032 - Utility vehicles, operation on highway and in streams or rivers prohibited — exceptions — passengers prohibited — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.032. Utility vehicles, operation on highway and in streams or rivers prohibited — exceptions — passengers prohibited — violations, penalty. —1. No person shall operate a utility vehicle, as defined in section 301.010, upon the highways of this state, except as follows: (1) Utility vehicles owned and operated by a governmental entity for official use; (2) Utility vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation, unless equipped with proper lighting; (3) Utility vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset; (4) Governing bodies of cities may issue special permits for utility vehicles to be used on highways within the city limits by licensed drivers. Fees of fifteen dollars may be collected and retained by cities for such permits; (5) Governing bodies of counties may issue special permits for utility vehicles to be used on county roads within the county by licensed drivers. Fees of fifteen dollars may be collected and retained by the counties for such permits; (6) Municipalities may by resolution or ordinance allow utility vehicle operation on streets or highways under the governing body's jurisdiction. Any person operating a utility vehicle pursuant to a municipal resolution or ordinance shall maintain proof of financial responsibility in accordance with section 303.160 or maintain any other insurance policy providing equivalent liability coverage for a utility vehicle. 2. No person shall operate a utility vehicle within any stream or river in this state, except that utility vehicles may be operated within waterways

which flow within the boundaries of land which a utility vehicle operator owns, or for agricultural purposes within the boundaries of land which a utility vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction. 3. A person operating a utility vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle under subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than forty-five miles per hour. 4. No persons shall operate a utility vehicle: (1) In any careless way so as to endanger the person or property of another; or (2) While under the influence of alcohol or any controlled substance. 5. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes. The provisions of this subsection shall not apply to any utility vehicle in which the seat of such vehicle is designed to carry more than one person. 6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation. ---------- (L. 2008 S.B. 930 & 947, A.L. 2013 H.B. 103)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.033 - Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.033. Recreational off-highway vehicles, operation on highways prohibited, exceptions — operation within streams and rivers prohibited, exceptions — license required for operation, exception. —1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows: (1) Recreational off-highway vehicles owned and operated by a governmental entity for official use; (2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes; (3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection; (4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads; (5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits; (6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits. 2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction. 3. A person operating a recreational off-highway vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (4) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle. An individual shall not operate a recreational off-highway vehicle upon*a highway in this state without displaying a lighted headlamp and a lighted tail lamp. A person may not operate a recreational off-highway vehicle upon a highway of this state unless such person wears a seat belt. When operated on a highway, a recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover. ---------- (L. 2012 H.B. 1251 merged with H.B. 1402 merged with H.B. 1647 merged with H.B. 1807, et al. merged with S.B. 470 merged with S.B. 480) *Words "upon on" appear here in original rolls of H.B. 1807, et al., 2012.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.034 - Municipalities may regulate golf cart and motorized wheelchair usage on streets and highways.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.034. Municipalities may regulate golf cart and motorized wheelchair usage on streets and highways. —1. Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate golf carts or motorized wheelchairs upon any street or highway under the governing body's jurisdiction. A golf cart or motorized wheelchair shall not be operated at any time on any state or federal highway, but may be operated upon such highway in order to cross a portion of the state highway system which intersects a municipal street. No golf cart or motorized wheelchair shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five miles per hour. 2. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of chapter 301. 3. As used in this section, a"golf cart"means a motor vehicle that is designed and manufactured for

operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour. ---------- (L. 2009 H.B. 683)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.035 - Stop required at railroad grade crossing, when — commercial motor vehicles, speed at crossings — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.035. Stop required at railroad grade crossing, when — commercial motor vehicles, speed at crossings — penalty. —1. When any person driving a vehicle approaches a railroad grade crossing, the driver of the vehicle shall operate the vehicle in a manner so he will be able to stop, and he shall stop the vehicle not less than fifteen feet and not more than fifty feet from the nearest rail of the railroad track and shall not proceed until he can safely do so if: (1) A clearly visible electric or mechanical signal device warns of the approach of a railroad train; or (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal or warning of the approach or passage of a railroad train; or (3) An approaching railroad train is visible and is in hazardous proximity to such crossing; or (4) Any other traffic sign, device or any other act, rule, regulation or statute requires a vehicle to stop at a railroad grade crossing. 2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing when a train is approaching while such gate or barrier is closed or is being opened or closed. 3. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing. 4. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing. 5. Every commercial motor vehicle as defined in section 302.700 shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This section does not apply to vehicles which are required to stop at railroad crossings pursuant to section 304.030. 6. Any person violating the provisions of this section is guilty of a class C misdemeanor. ---------- (L. 1977 H.B. 220 § 1, A.L. 1988 S.B. 676, A.L. 1992 S.B. 765, A.L. 2001 S.B. 244, A.L. 2004 S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.040 - Failure to stop, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.040. Failure to stop, penalty. —Any person violating the provisions of section 304.030 shall be deemed guilty of a misdemeanor. ---------- (RSMo 1939 § 8400)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.044 - Buses and trucks not to follow within three hundred feet — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.044. Buses and trucks not to follow within three hundred feet — penalty. —1. The following terms as used in this section shall mean: (1)"Bus", any vehicle or motor car designed and used for the purpose of carrying more than seven persons; (2)"Truck", any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed or used in the transportation of property upon the highways. 2. The driver of any truck or bus, when traveling upon a public highway of this state outside of a business or residential district, shall not follow within three hundred feet of another such vehicle; provided, the provisions of this section shall not be construed to prevent the overtaking and passing, by any such truck or bus, of another similar vehicle. 3. Any person who shall violate the provisions of this section shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished accordingly. ---------- (L. 1951 p. 694 §§ 1 to 3, A.L. 1996 H.B. 1047) (1959) The purpose of § 304.044 is not only to provide sufficient space between vehicles to permit lighter vehicles to pass but it is also intended for the protection of forward trucks and those following as well as the drivers and passengers therein. Thus violations of the statute under the circumstances was the negligent proximate cause of an accident. Thebeau v. Thebeau (Mo.), 324 S.W.2d 674.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.050 - School buses, drivers to stop for, when — signs required on buses — crossing control arm — bus driver responsibilities — driver identity rebuttable presumption, when (Jessica's Law).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.050. School buses, drivers to stop for, when — signs required on buses — crossing control arm — bus driver responsibilities — driver identity rebuttable presumption, when (Jessica's Law). —1. (1) The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed. (2) School buses under the provisions of subsections 1, 2, 5, 6, 7, 8, and 9 of this section shall include Head Start buses that have been certified by the Missouri highway patrol as meeting the provisions of section 307.375, are operated by a holder of a valid school bus endorsed commercial driver's license, and who meet the equivalent medical requirements prescribed in section 162.064, and which are transporting Head Start students to and from Head Start. 2. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign

containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling device approved by the state board of education, which will display a signal plainly visible from the front and rear and indicating intention to stop. 3. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped no later than August 1, 1998, with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five feet six inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in subsection 2 of this section. This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri schoolchildren who have been injured or killed during the operation of a school bus. 4. Except as otherwise provided in this section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the state board of education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district shall have the authority pursuant to this section to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution. 5. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty miles per hour and at least three hundred feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers. 6. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway. 7. The driver of any school bus driving upon the highways of this state after loading or unloading school children, shall remain stopped if the bus is followed by three or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so. 8. If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice. 9. Notwithstanding the provisions in section 301.130, every school bus shall be required to have two license plates. ---------- (L. 1949 p. 329 § 1, A.L. 1958 2d Ex. Sess. p. 175, A.L. 1965 p. 486, A.L. 1985 H.B. 288, et al., A.L. 1986 H.B. 1405, A.L. 1997 S.B. 315, A.L. 2021 S.B. 53 & 60) Effective 1-01-22 CROSS REFERENCE: Penalty provisions for certain violations of this section, 304.070 (2004) Section is not unconstitutionally vague under due process clause as to whether it only applies to four-lane highways, and term "plainly visible" is not vague where evidence confirmed the absence of any visibility. State v. Dunn, 147 S.W.3d 75 (Mo.banc).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.060 - School buses and other district vehicles, use to be regulated by board — field trips in common carriers, regulation authorized — violation by employee, effect — St. Louis County buses may use word "special".

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.060. School buses and other district vehicles, use to be regulated by board — field trips in common carriers, regulation authorized — violation by employee, effect — St. Louis County buses may use word "special". —1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. School districts shall have the authority to use motor vehicles other than school buses for the purpose of transporting school children. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for

the purpose of transporting school children, excluding motor vehicles operating under the authority of the department of revenue under sections 387.400 to 387.440. Notwithstanding any other provisions of law, the state board of education shall not require an individual who uses a motor vehicle with a gross vehicle weight that is less than or equal to twelve thousand pounds for the purpose of providing student transportation services in a vehicle other than a school bus to obtain any license other than a class F license, as described in 12 CSR 10-24.200(6). Motor vehicles other than school buses used shall transport no more children than the manufacturer suggests as appropriate for such vehicle and meet any additional requirements of the school district. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state. 2. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri in an urban district containing the greater part of the population of a city which has more than three hundred thousand inhabitants may contract with any municipality, bi-state agency, or other governmental entity for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall be for additional transportation services, and shall not replace or fulfill any of the school district's obligations pursuant to section 167.231. The school district may notify students of the option to use district-contracted transportation services. 3. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district. 4. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county, school buses may bear the word "special". ---------- (L. 1949 p. 329 § 2, A.L. 1977 H.B. 130, A.L. 1987 S.B. 114, A.L. 1992 H.B. 1794, A.L. 2018 H.B. 1606 merged with S.B. 687 merged with S.B. 743 merged with S.B. 881, A.L. 2022 S.B. 681 & 662)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.070 - Violation of section 304.050, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.070. Violation of section 304.050, penalty. —1. Any person who violates any of the provisions of subsections 1, 3, and 7*of section 304.050 is guilty of a class A misdemeanor. In addition, the court may suspend the driver's license of any person who violates the provision of subsection 1 of section 304.050. If ordered by the court, the director shall suspend the driver's license for ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days for a second or subsequent offense of subsection 1 of section 304.050. Any person who violates subsection 1 of section 304.050 where such violation results in the injury of any child shall be guilty of a class E felony. Any person who violates subsection 1 of section 304.050 where such violation causes the death of any child shall be guilty of a class D felony. 2. Any appeal of a suspension imposed under subsection 1 of this section shall be a direct appeal of the court order and subject to review by the presiding judge of the circuit court or another judge within the circuit other than the judge who issued the original order to suspend the driver's license. The director of revenue's entry of the court-ordered suspension on the driving record is not a decision subject to review pursuant to section 302.311. Any suspension of the driver's license ordered by the court under this section shall be in addition to any other suspension that may occur as a result of the conviction pursuant to other provisions of law. ---------- (L. 1949 p. 329 § 3, A.L. 1965 p. 486, A.L. 1985 H.B. 288, et al., A.L. 2004 S.B. 1233, et al., A.L. 2006 S.B. 872, et al., A.L. 2014 S.B. 491) Effective 1-01-17 *Statutory reference to subsection "6" changed to "7" in accordance with section 3.060 based on renumbering in section 304.050 by H.B. 661 and S.B. 53 & 60, 2021.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.075 - School bus signs to be removed, when — misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.075. School bus signs to be removed, when — misdemeanor. —1. Any motor vehicle which is not regularly being operated by a school district or under contract with a school district or by private schools for the transportation of school children shall not bear signs indicating that it is a school bus. When any person operating a school bus under contract with a school district uses it for purposes other than for the transportation of school children, the person shall cover the signs thereon in such manner that it will not appear on the highways as a school bus. 2. Any person violating this section is guilty of a class C misdemeanor. ---------- (L. 1955 p. 625 § 1, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.076 - Head Start buses to bear signs.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.076. Head Start buses to bear signs. —Notwithstanding anything in subsection 1 of section 304.075 to the contrary, effective August 28, 1996, any new bus to be used to transport children to or from a federal Head Start program shall bear signs indicating that it is a Head Start school bus. Any bus that was used to transport children to or from a Head Start program prior to August 28, 1996, that continues to transport children to or from a Head Start program after such date may bear signs indicating that it is a Head Start school bus. ---------- (L. 1996 H.B. 1301

& 1298)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.079 - Use of designated disabled parking spaces, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.079. Use of designated disabled parking spaces, when. —1. Designated disabled parking spaces may only be used when a disabled person, who has been issued disabled license plates or windshield hanging placards pursuant to the provisions of section 301.142 or by those states with which the director has entered into reciprocity agreements as provided in section 301.142, is then, or immediately preceding being parked, was an occupant of the motor vehicle bearing the disabled license plate or windshield hanging placard or in cases where the motor vehicle bearing the disabled license plate or windshield hanging placard is then being used to deliver or collect one or more of the disabled persons for whom the disabled license plate or windshield hanging placard was issued. 2. The driver, or any occupant, of a motor vehicle bearing disabled license plates or a windshield hanging placard which is parked or has been observed to have been parking in a duly designated disabled parking space shall, upon request from any law enforcement officer or other duly constituted peace officer upon identification as such, produce the disabled registration certificate issued to the disabled person or entity as provided for in section 301.142 or such other authorization to show that the driver or any occupant of the vehicle is lawfully entitled to use a designated disabled parking space. The driver or any occupant of the motor vehicle shall, in addition to the certificate, produce other identification with a photograph of the disabled person for whom the disabled plates or windshield hanging placard was issued. 3. If the driver, or an occupant, of a motor vehicle which is parked or has been observed to have parked in a designated disabled parking space is unable to, or cannot, produce the certificate as provided for in section 301.142 or other proper authorization showing that the vehicle is being used, or has been lawfully parking in a disabled parking space, the operator is guilty of a class A misdemeanor. However, no person shall be found guilty of violating this section if the operator produces such a certificate to the court that was valid at the time of the citation for a person who was using the vehicle. 4. The windshield hanging placard shall only be used when the vehicle is parked in a disabled parking space. It shall be unlawful for any person to operate or drive a motor vehicle with a windshield hanging placard hanging from the inside rearview mirror. ---------- (L. 2004 S.B. 1233, et al. § 304.601) Effective 1-01-05

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.080 - Handicapped persons with white cane or dog, driver to take all necessary precautions — cane or dog not required to enforce rights, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.080. Handicapped persons with white cane or dog, driver to take all necessary precautions — cane or dog not required to enforce rights, when. —The driver of a vehicle approaching a person with a visual, aural or physical disability who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, hearing dog or service dog shall yield to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian and any injury caused to the pedestrian's guide dog, hearing dog or service dog; provided that such a pedestrian not carrying such cane or using a guide dog, hearing dog or service dog in any of the places, accommodations or conveyances listed in section 209.150 shall have all of the rights and privileges conferred by law upon other persons. ---------- (L. 1949 p. 250 § 1, A.L. 1977 S.B. 12, A.L. 1988 H.B. 1163, A.L. 1996 S.B. 582)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.110 - Violation of sections 304.080 to 304.110, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.110. Violation of sections 304.080 to 304.110, penalty. —Any person who violates any provision of sections 304.080 to 304.110, shall be guilty of a misdemeanor and upon conviction thereof be fined not exceeding twenty-five dollars and costs of prosecution, and in default of payment thereof, shall undergo imprisonment not exceeding ten days. ---------- (L. 1949 p. 250 § 4)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.120 - Municipal regulations — owner or lessor not liable for violations, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.120. Municipal regulations — owner or lessor not liable for violations, when. —1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality. 2. Municipalities, by ordinance, may: (1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions; (2) Establish one-way streets and provide for the regulation of vehicles thereon; (3) Require vehicles to stop before crossing certain designated streets and boulevards; (4) Limit the use of certain designated streets and boulevards to passenger vehicles, except that each municipality shall allow at least one route, with lawful traffic movement and access from both directions,

to be available for use by commercial motor vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize a municipality to limit the use of all routes in the municipality. The use by commercial motor vehicles of a municipality-designated route for such vehicles in compliance with any ordinances of the designating municipality shall not be deemed a nuisance or evidence of a nuisance. Nothing contained in this subdivision is intended to modify or limit recovery for any claim that is independent of a nuisance claim; (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires; (6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles; (7) Require the use of signaling devices on all motor vehicles; and (8) Prohibit sound-producing warning devices, except horns directed forward. 3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided. 4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle. 5. No ordinance shall deny the use of commercial motor vehicles on all routes within the municipality. For purposes of this section, the term"route"shall mean any state road, county road, or public street, avenue, boulevard, or parkway. 6. No ordinance shall prohibit the operator of a motor vehicle from being in an intersection while a red signal is being displayed if the operator of the motor vehicle entered the intersection during a yellow signal interval. The provisions of this subsection shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision that are to the contrary. ---------- (RSMo 1939 § 8395, A.L. 1943 p. 659, A. 1949 S.B. 1113, A.L. 1975 H.B. 83, A.L. 2012 H.B. 1251 merged with H.B. 1402 merged with S.B. 470 merged with S.B. 480, A.L. 2013 H.B. 103, A.L. 2017 S.B. 8 merged with S.B. 283) Prior revisions: 1929 § 7780; 1919 § 7596

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.125 - Traffic violation citation quota prohibited--exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.125. Traffic violation citation quota prohibited--exception. —No political subdivision or law enforcement agency shall have a policy requiring or encouraging an employee to issue a certain number of citations for traffic violations on a daily, weekly, monthly, quarterly, yearly, or other quota basis. This section shall not apply to the issuance of warning citations. ---------- (L. 2016 S.B. 765)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.130 - Regulation of vehicular traffic — notice, hearings — approval — publication of notice (first class counties).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.130. Regulation of vehicular traffic — notice, hearings — approval — publication of notice (first class counties). —1. For the purpose of promoting the public safety, health and general welfare and to protect life and property, the county commission in all counties of the first class is empowered to adopt, by order or ordinance, regulations to control vehicular traffic upon the public roads and highways in the unincorporated territory of such counties and to establish reasonable speed regulations in congested areas upon such public roads and highways in the unincorporated territory of such counties. Such regulations shall not be inconsistent with the provisions of the general motor vehicle laws of this state. 2. Except as provided in subsection 3 of this section, before the adoption of such regulations, the county commission shall hold at least three public hearings thereon, fifteen days' notice of the time and place of which shall be published in at least two newspapers having a general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county; provided, however, that any regulations respecting stop signs, signal lights and speed limits on state or federal highways shall be approved by the state highways and transportation commission before the same shall become effective. 3. Regulations relating solely to increasing speed limits shall be exempt from the procedural requirements of subsection 2 of this section and shall take effect immediately upon approval of the county commission. 4. The regulations adopted shall be codified, printed and distributed for public use; provided, however, that adequate signs displaying the speed limit must be posted along the highways at the points along such highways where such speed limits begin and end. ---------- (L. 1947 V. I p. 451 § 1, A.L. 2008 S.B. 930 & 947)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.140 - Penalty for violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.140. Penalty for violations. —Any person violating any order or regulation adopted under section 304.130 shall upon conviction be adjudged guilty of an infraction. ---------- (L. 1947 V. I p. 451 § 2, A.L. 1996 H.B. 1047)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.151 - Driver's responsibility not to obstruct traffic — written warning, infraction, effective date.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.151. Driver's responsibility not to obstruct traffic — written warning, infraction, effective date. —1. Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any state highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. 2. Prior to January 1, 1999, any person who fails to comply with the requirements of this section shall be issued a written warning of the violation in order to inform such persons of the requirements of this section. Beginning January 1, 1999, any person who fails to comply with the requirements of this section is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars. ---------- (L. 1996 S.B. 560)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.152 - Roadside checkpoints and roadblock patterns based on vehicle type prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.152. Roadside checkpoints and roadblock patterns based on vehicle type prohibited. —1. Notwithstanding any provision of the law to the contrary, no law enforcement agency may establish a roadside checkpoint or roadblock pattern based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints. 2. Notwithstanding subsection 1 of this section, a law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles, as defined in section 301.010. 3. The provisions of this section shall not be construed to restrict any other type of checkpoint or roadblock which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri. ---------- (L. 2013 S.B. 282)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.153 - Tow companies or tow lists, utilization of by law enforcement and state transportation employees—definitions—requirements—unauthorized towing, penalty—inapplicability.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.153. Tow companies or tow lists, utilization of by law enforcement and state transportation employees—definitions—requirements—unauthorized towing, penalty—inapplicability. —1. As used in this section, the following terms shall mean: (1)"Law enforcement officer", any public servant, other than a patrol officer, who is defined as a law enforcement officer under section 556.061; (2)"Motor club", a legal entity that, in consideration of dues, assessments, or periodic payments of moneys, promises to provide motor club services to its members or subscribers in accordance with section 385.450; (3)"Patrol officer", a Missouri state highway patrol officer; (4)"Tow list", a list of approved towing companies compiled, maintained, and utilized by the Missouri state highway patrol or its designee; (5)"Tow management company", any sole proprietorship, partnership, corporation, fiduciary, association, or other business entity that manages towing logistics for government agencies or motor clubs; (6)"Tow truck", a rollback or car carrier, wrecker, or tow truck as defined under section 301.010; (7)"Towing", moving or removing, or the preparation therefor, of a vehicle by another vehicle for which a service charge is made, either directly or indirectly, including any dues or other charges of clubs or associations which provide towing services; (8)"Towing company", any person, partnership, corporation, fiduciary, association, or other entity that operates a wrecker or towing service as defined under section 301.010. 2. In authorizing a towing company to perform services, any patrol officer or law enforcement officer within the officer's jurisdiction, or Missouri department of transportation employee, may utilize the services of a tow management company or tow list, provided: (1) The Missouri state highway patrol is under no obligation to include or retain the services of any towing company in any contract or agreement with a tow management company or any tow list established pursuant to this section. A towing company is subject to removal from a tow list at any time; (2) Notwithstanding any other provision of law or any regulation established pursuant to this section, an owner or operator's request for a specific towing company shall be honored by the Missouri state highway patrol unless: (a) The requested towing company cannot or does not respond in a reasonable time, as determined by a law enforcement officer; or (b) The vehicle to be towed poses an immediate traffic hazard, as determined by a law enforcement officer. 3. A patrol officer shall not use a towing company located outside of Missouri under this section except under the following circumstances: (1) A state or federal emergency has been declared; or (2) The driver or owner of the vehicle, or a motor club of which the driver or owner is a member, requests a specific out-of-state towing company. 4. A towing company shall not tow a vehicle to a location outside of Missouri without the consent of the driver or owner of the motor vehicle, or without the consent of a motor club of which the driver or owner of the motor vehicle is a member. 5. Any towing company or tow truck arriving at the scene of an accident that has not been called by a patrol officer, a law enforcement officer, a Missouri department of transportation employee, the driver or owner of the motor vehicle or his or her authorized agent, including a motor club of which the driver or owner is a member, shall be prohibited from towing the vehicle from the scene of the accident, unless the towing company or tow truck operator is rendering emergency aid in the interest of public safety, or is operating during a declared state of emergency under section 44.100. 6. A tow truck operator that stops and tows a vehicle from the scene of an accident in violation of subsection 5 of this section shall be guilty of a class D misdemeanor upon conviction or pleading guilty for the first violation, and such tow truck shall be subject to impounding. The penalty for a second violation shall be a class A misdemeanor, and the penalty for any third or subsequent violation shall be a class D felony. A violation of this section shall not

preclude the tow truck operator from being charged with tampering under chapter 569. 7. The provisions of this section shall also apply to motor vehicles towed under section 304.155 or 304.157. 8. The provisions of this section shall not apply to counties of the third or fourth classification. ---------- (L. 2016 H.B. 1976, A.L. 2021 S.B. 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.154 - Towing truck company requirements—access to towed vehicles by insurance adjusters—notice to vehicle owner of transfer from storage lot or facility—display of tow company address, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 *304.154. Towing truck company requirements—access to towed vehicles by insurance adjusters—notice to vehicle owner of transfer from storage lot or facility—display of tow company address, when. —1. A towing company operating a tow truck pursuant to the authority granted in section 304.153, 304.155, or 304.157 shall: (1) Have and occupy a verifiable business address and display such address in a location visible from the street or road; (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the storage of motor vehicles; (3) Be open or available to a customer to make arrangements for a minimum of ten hours per day, Monday through Friday, for fifty-two weeks per year, excluding any federal holidays, for a customer or his or her authorized agent or an insurance adjuster, as defined in section 324.1100, to view or retrieve items from a vehicle with no additional fees charged, or to retrieve the vehicle at the posted rate, during these regular business hours. A towing company shall not assess any storage fee on a day which the towing company is not open for business during such regular business hours; (4) Notify the owner of a motor vehicle of the location of such motor vehicle within twenty-four hours after being contacted by such owner; (5) Be available twenty-four hours a day, seven days a week."Availability"shall mean that an employee of the towing company or an answering service answered by a person is able to respond to a tow request; (6) Have and maintain an operational telephone with the telephone number published or available through directory assistance; (7) Maintain a valid insurance policy issued by an insurer authorized to do business in this state, or a bond or other acceptable surety providing coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least five hundred thousand dollars per incident; (8) Provide workers' compensation insurance for all employees of the towing company if required by chapter 287; (9) Maintain current motor vehicle registrations on all tow trucks currently operated within the towing company fleet; and (10) Post at its place of business and make available upon request to consumers a rate sheet listing all current rates applicable to towing services provided under this chapter. 2. The initial tow performed under section 304.153, 304.155, or 304.157 shall remain in the state of Missouri unless authorized by the vehicle owner, or his or her authorized agent including a motor club to which the owner of the motor vehicle is a member. 3. Counties may adopt ordinances with respect to towing company standards in addition to the minimum standards contained in this section. A towing company located in a county of the second, third, or fourth classification is exempt from the provisions of this section. 4. Notwithstanding any provision of law to the contrary, unless notified by a law enforcement agency that a motor vehicle is being preserved as evidence, a storage lot facility or towing company shall allow insurance adjusters access to and allow inspection of a motor vehicle, without charge, at any time during the towing company's or storage lot facility's normal business hours. 5. When a motor vehicle has been transferred to a towing company storage lot or a vehicle storage facility, such vehicle shall not be transferred from the towing company storage lot or vehicle storage facility without providing the owner of such vehicle twenty-four-hour advance notice of the planned transfer. The notification shall include the address of where the vehicle is being transferred to, and all costs associated with moving the vehicle to a different storage lot or vehicle storage facility. 6. The provisions of subdivisions (3), (4), (6), and (10) of subsection 1 of this section, subsections 2, 4, and 5 of this section, and a provision in subdivision (1) of subsection 1 of this section requiring towing companies to display an address in a location visible from the street or road shall not apply to counties of the third or fourth classification. ---------- (L. 2004 S.B. 1233, et al., A.L. 2016 H.B. 1976) *Effective 10-14-16, see § 21.250. H.B. 1976 was vetoed July 1, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.155 - Abandoned motor vehicles on public property, removal — hazards on land and water, removal, limited liability, when — towing of property report to highway or water patrol or crime inquiry and inspection report when, owner liable for costs — check for stolen vehicles procedure — reclaiming vehicle — lien for charges — record maintenance by towing companies — lienholder repossession, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.155. Abandoned motor vehicles on public property, removal — hazards on land and water, removal, limited liability, when — towing of property report to highway or water patrol or crime inquiry and inspection report when, owner liable for costs — check for stolen vehicles procedure — reclaiming vehicle — lien for charges — record maintenance by towing companies — lienholder repossession, procedure. —1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety: (1) Any abandoned property on the right-of-way of: (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or immediately if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; (b) Any interstate highway or freeway outside of an urbanized area, left unattended for twenty-four hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling

materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; (c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or (d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than twenty-four hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; (2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal; (3) Any abandoned property which has been abandoned under section 577.080; (4) Any abandoned property which has been reported as stolen or taken without consent of the owner; (5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal; (6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations; (7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; (8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010 where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water; or (9) Any abandoned property for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody. 2. The department of transportation or any law enforcement officer within the officer's jurisdiction may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the right-of-way of any interstate highway, freeway, or state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the interstate highway, freeway, or state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C. 3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report. 4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions. 5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158. 6. Upon the towing of any abandoned property pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following: (1) The year, model, make and property identification number of the property and the owner and any lienholders, if known; (2) A description of any damage to the property noted by the officer authorizing the tow; (3) The license plate or registration number and the state of issuance, if available; (4) The storage location of the towed property; (5) The name, telephone number and address of the towing company; (6) The date, place and reason for the towing of the abandoned property; (7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry; (8) The signature and printed name of the officer authorizing the tow; (9) The name of the towing company, the signature

and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records; and (10) Any additional information the director of revenue deems appropriate. 7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal. 8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property. 9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156. 10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property. 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the repossessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system. 12. Notwithstanding the provisions of section 301.227, any towing company who has complied with the notification provisions in section 304.156 including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227 on vehicles purchased on a bill of sale pursuant to this section. ---------- (L. 1965 p. 487 §§ 1 to 3, A.L. 1982 S.B. 665, A.L. 1985 H.B. 288, et al., A.L. 1987 S.B. 290, A.L. 1988 H.B. 1581, A.L. 1992 H.B. 1794, A.L. 1996 S.B. 560, A.L. 1997 H.B. 257, A.L. 1999 S.B. 19, A.L. 2004 S.B. 1233, et al., A.L. 2005 H.B. 487, A.L. 2009 H.B. 683) CROSS REFERENCE: Removal of abandoned motor vehicles from roadways pursuant to section 304.155 moved to shoulder or berm, limitations on department employees, 226.1115

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.156 - Notice to towing company, owner or lienholder, when — storage charges, when authorized — search of vehicle for ownership documents — petition, determination of wrongful taking — possessory lien, new title, how issued — sale of abandoned property by municipality or county — towing company, new title when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.156. Notice to towing company, owner or lienholder, when — storage charges, when authorized — search of vehicle for ownership documents — petition, determination of wrongful taking — possessory lien, new title, how issued — sale of abandoned property by municipality or county — towing company, new title when. —1. Within five working days of receipt of the crime inquiry and inspection report under section 304.155 or the abandoned property report under section 304.157, the director of revenue shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the abandoned property was registered or titled in another state, to determine the name and address of the owner and lienholder, if any. After ascertaining the name and address of the owner and lienholder, if any, the department shall, within fifteen working days, notify the towing company. Any towing company which comes into possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as

disclosed by the records of the department of revenue or of a corresponding agency in any other state. The towing company shall notify the owner and any lienholder within ten business days of the date of mailing indicated on the notice sent by the department of revenue, by certified mail, return receipt requested. The notice shall contain the following: (1) The name, address and telephone number of the storage facility; (2) The date, reason and place from which the abandoned property was removed; (3) A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed; (4) A statement that the storage firm claims a possessory lien for all such charges; (5) A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges; (6) A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this section to contest the propriety of such towing or removal; (7) A statement that if the abandoned property remains unclaimed for thirty days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and (8) A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner. 2. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of sections 304.155 to 304.158. 3. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the department shall notify the towing company which shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed that no ownership documents were found and a good faith effort has been made. For purposes of this section,"good faith effort"means that the following checks have been performed by the company to establish the prior state of registration and title: (1) Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible registration and title; (2) Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency; (3) Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and (4) If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information. 4. If no ownership information is discovered, the director of revenue shall be notified in writing and title obtained in accordance with subsection 7 of this section. 5. (1) The owner of the abandoned property removed pursuant to the provisions of section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within ten days after the receipt of notification from the towing company pursuant to subsection 1 of this section may file a petition in the associate circuit court in the county where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The director of revenue shall not be a party to such petition but a copy of the petition shall be served on the director of revenue who shall not issue title to such abandoned property pursuant to this section until the petition is finally decided. (2) Upon filing of a petition in the associate circuit court, the owner or lienholder may have the abandoned property released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fees, the court shall issue an order notifying the towing company of the posting of the bond and directing the towing company to release the abandoned property. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the towing company reciting any claims for loss or damage to the abandoned property or the contents thereof. (3) Upon determining the respective rights of the parties, the final order of the court shall provide for immediate payment in full of recovery, towing, and storage fees by the abandoned property owner or lienholder or the owner, lessee, or agent thereof of the real property from which the abandoned property was removed. 6. A towing and storage lien shall be enforced as provided in subsection 7 of this section. 7. Thirty days after the notification form has been mailed to the abandoned property owner and holder of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in subsection 5 of this section, the lienholder in possession may apply to the director of revenue for a certificate. The application for title shall be accompanied by: (1) An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty days and the owner of the abandoned property or holder of a security agreement has not made arrangements for payment of towing and storage charges; (2) An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in this section; (3) A copy of the abandoned property report or crime inquiry and inspection report; (4) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in this section; and (5) A copy of the envelope or mailing container showing the address and postal markings indicating that the notice was "not forwardable" or "address unknown". 8. If notice to the owner and holder of a security agreement has been returned marked "not forwardable" or "addressee unknown", the lienholder in possession shall comply with subsection 3 of this section. 9. Any municipality or county may adopt an ordinance regulating the removal and sale of abandoned property provided such ordinance is consistent with sections 304.155 to 304.158, and, for a home rule city with more than four hundred thousand

inhabitants and located in more than one county, includes the following provisions: (1) That the department of revenue records must be searched to determine the registered owner or lienholder of the abandoned property; (2) That if a registered owner or lienholder is disclosed in the records, that the owner and lienholder or owner or lienholder are mailed a notice by the local governmental agency, by U.S. mail, advising of the towing and impoundment; (3) That if the vehicle is older than six years and more than fifty percent damaged by collision, fire, or decay, and has a fair market value of less than two hundred dollars as determined by using any nationally recognized appraisal book or method, it must be held no less than ten days after the notice is sent pursuant to this section before being sold to a licensed salvage or scrap business; provided however where a title is required under this chapter an affidavit from a certified appraiser attesting that the value of the vehicle is less than two hundred dollars; (4) That all other vehicles must be held no less than thirty days after the notice is sent pursuant to this subsection before they may be sold. 10. Any municipality or county which has physical possession of the abandoned property and which sells abandoned property in accordance with a local ordinance may transfer ownership by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the official municipal or county seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of section 301.218, or section 301.560, or for any other person. Any dealer or other person purchasing such property from a municipality or county shall apply within thirty days of purchase for a certificate. Anyone convicted of a violation of this section shall be guilty of an infraction. 11. Any persons who have towed abandoned property prior to August 28, 1996, may, until January 1, 2000, apply to the department of revenue for a certificate. The application shall be accompanied by: (1) A notarized affidavit explaining the circumstances by which the abandoned property came into their possession, including the name of the owner or possessor of real property from which the abandoned property was removed; (2) The date of the removal; (3) The current location of the abandoned property; (4) An inspection of the abandoned property as prescribed by the director; and (5) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest of record and a copy of the certified mail receipt. 12. If the director is satisfied with the genuineness of the application and supporting documents submitted pursuant to this section, the director shall issue one of the following: (1) An original certificate of title if the vehicle owner has obtained a vehicle examination certificate as provided in section 301.190 which indicates that the vehicle was not previously in a salvaged condition or rebuilt; (2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvage condition or rebuilt; (3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report; (4) Notwithstanding the provisions of section 301.573 to the contrary, if satisfied with the genuineness of the application and supporting documents, the director shall issue an original title to abandoned property previously issued a salvage title as provided in this section, if the vehicle examination certificate as provided in section 301.190 does not indicate the abandoned property was previously in a salvage condition or rebuilt. 13. If abandoned property is insured and the insurer of property regards the property as a total loss and the insurer satisfies a claim by the owner for the property, then the insurer or lienholder shall claim and remove the property from the storage facility or make arrangements to transfer the title, and such transfer of title subject to agreement shall be in complete satisfaction of all claims for towing and storage, to the towing company or storage facility. The owner of the abandoned vehicle, lienholder or insurer, to the extent the vehicle owner's insurance policy covers towing and storage charges, shall pay reasonable fees assessed by the towing company and storage facility. The property shall be claimed and removed or title transferred to the towing company or storage facility within thirty days of the date that the insurer paid a claim for the total loss of the property or is notified as to the location of the abandoned property, whichever is the later event. Upon request, the insurer of the property shall supply the towing company and storage facility with the name, address and phone number of the insurance company and of the insured and with a statement regarding which party is responsible for the payment of towing and storage charges under the insurance policy. ---------- (L. 1996 S.B. 560, A.L. 1999 S.B. 19, A.L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489 and A.L. 2004 S.B. 1233, et al., A.L. 2011 H.B. 315)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.157 - Vehicles left unattended or improperly parked on private property of another, procedure for removal and disposition — violation of certain required procedure, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.157. Vehicles left unattended or improperly parked on private property of another, procedure for removal and disposition — violation of certain required procedure, penalty. —1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol*, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances: (1) The abandoned property is left unattended for more than forty-eight hours; or (2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession. 2. A local government agency may also provide for the towing of motor vehicles or vessels from real property under the authority of any local ordinance providing for the towing of vehicles or vessels which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155. 3. Neither the law

enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions. 4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances: (1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property; (2) The abandoned property is left unattended on owner-occupied residential property with four residential units or less, and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or (3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification. 5. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060. The report shall be in the form designed, printed and distributed by the director of revenue and shall contain the following: (1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known; (2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property; (3) The license plate or registration number and the state of issuance, if available; (4) The physical location of the property and the reason for requesting the property to be towed; (5) The date the report is completed; (6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property; (7) The towing company's name and address; (8) The signature of the towing operator; (9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements; (10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and (11) Any additional information the director of revenue deems appropriate. 6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours. 7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section. 8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information, if available, on the abandoned property, and if the tower has online access to the department of revenue's records, the tower shall comply with the requirements of section 301.155**. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue. 9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor. ---------- (L. 1982 S.B. 665, A.L. 1985 H.B. 288, et al., A.L. 1992 H.B. 1794, A.L. 1996 S.B. 560, A.L. 1999 S.B. 17 and S.B. 19, A.L. 2003 S.B. 314, A.L. 2004 S.B. 1233, et al., A.L. 2008 H.B. 1715) *"State water patrol" changed to "water patrol division" by section 306.010, 2010. **Section 301.155 does not exist.

information to be displayed on wrecker — towing charges — storage facility charges, method of payment — authorization of real property owner to tow, violation, penalty — ordinances specifying charges — violations of towing laws, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.158. Notice to owner of abandoned property — duty of real property owner — liability of towing company — recovery for damages to real property, when — liability of real property owner for towing charges, when — information to be displayed on wrecker — towing charges — storage facility charges, method of payment — authorization of real property owner to tow, violation, penalty — ordinances specifying charges — violations of towing laws, penalties. —1. Notice as to the removal of any abandoned property pursuant to section 304.155 or 304.157 shall be made in writing within five working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either: (1) The public agency authorizing the removal; or (2) The towing company, where authorization was made by an owner or lessee of real property.--If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this section shall include the amount of mileage, if available, shown on the abandoned property at the time of removal. --If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this section shall include the amount of mileage, if available, shown on the abandoned property at the time of removal. 2. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for: (1) Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and (2) The removal of property other than the property specified by the owner of the private property from which the abandoned property was removed. 3. The owner of abandoned property removed from private property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property. 4. Any owner of any private property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this section or section 304.157. 5. Any towing company which tows abandoned property for hire shall have the towing company's name, city and state clearly printed in letters at least three inches in height on the sides of the truck, wrecker or other vehicle used in the towing. 6. A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of abandoned property at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit. 7. Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this section shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property. In addition, persons operating or in charge of the storage facility shall have sufficient moneys on the premises to accommodate, and make change in, a reasonable monetary transaction. 8. Except for the removal of abandoned property authorized by a law enforcement agency pursuant to section 304.157, a towing company shall not remove or commence the removal of abandoned property from private property without first obtaining written authorization from the property owner. All written authorizations shall be maintained for at least one year by the towing company. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal. 9. Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in subsection 8 of this section, is liable to the owner of the property for four times the amount of the towing and storage charges, in addition to any applicable criminal penalty, for a violation of this section. 10. Any county, city, town or village may enact ordinances or orders which are consistent with sections 304.155 to 304.158 and which may specify maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the governmental entity's jurisdiction. 11. Any person who knowingly violates any provision of sections 304.155 to 304.158 shall be guilty of a class A misdemeanor. Any violation of the provisions of this section shall constitute a violation of the provisions of section 407.020. In any proceeding brought by the attorney general for a violation of the provisions of this section, the court may, in addition to imposing the penalties provided for in this section order the revocation or suspension of the registration or license of the towing company. ---------- (L. 1996 S.B. 560, A.L. 1999 S.B. 19)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.159 - Municipality may prohibit storage of certain vehicles, exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.159. Municipality may prohibit storage of certain vehicles, exceptions. —Any city, town or village within this state may prohibit, by ordinance, the storage of inoperable vehicles or other vehicles deemed by such city, town or village to constitute a public safety hazard. Nothing in this section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public

or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances. ---------- (L. 1999 S.B. 19)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.160 - Glass, tacks, injurious substances, duty to remove from highway, when — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.160. Glass, tacks, injurious substances, duty to remove from highway, when — penalty. —1. Any person who has purposely, accidentally, or by reason of an accident, dropped any tacks, nails, wire, scrap metal, glass, crockery, sharp stones, or other substances injurious to the feet of persons or animals, or to the tires or wheels of vehicles, including motor vehicles, upon any highway shall immediately make all reasonable efforts to clear the highway of the substances. 2. Violation of this section shall be deemed a class C misdemeanor. ---------- (RSMo 1939 § 8401, A. 1949 S.B. 1113, A.L. 1961 p. 496, A.L. 1996 H.B. 1047) Prior revision: 1929 § 7783

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.170 - Regulations as to width, height and length of vehicles — inapplicability, when — implements of husbandry defined — sludge disposal units.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.170. Regulations as to width, height and length of vehicles — inapplicability, when — implements of husbandry defined — sludge disposal units. —1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached. 2. No vehicle operated upon the interstate highway system or upon any route designated by the state highways and transportation commission shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet. 3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section. 4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle. The term"safety bumper"means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact. 5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of P.L. 97-424 codified in Title 23 of the United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet. 6. In order to comply with the provisions of P.L. 97-424 codified in Title 23 of the United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor, semitrailer and trailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 11 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the commission may designate additional routes for such sixty-five foot combinations. 7. (1) Automobile transporters, boat transporters, truck-trailer boat transporter combinations, and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combination boat transporters shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang. (2) Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or

designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang. (3) Automobile transporters may transport cargo or general freight on a backhaul, as long as in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in section 304.180. 8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount. 9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer. 10. No towaway trailer transporter combination vehicles operated upon the interstate and designated primary highway system of this state shall have an overall length of more than eighty-two feet. 11. The commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8, 9, and 10 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, 9, and 10 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection. 12. Except as provided in subsections 5, 6, 7, 8, 9, 10, and 11 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway. 13. (1) Except as hereinafter provided, these restrictions shall not apply to: (a) Agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; (b) Self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; (c) Vehicles towing trailers specifically designed to carry harvested cotton, either as a single trailer or in tandem, with a total length, including the trailer or trailers, of not more than ninety-three feet; such vehicles shall only be used to haul harvested cotton, except when hauling hay within the state to areas affected by drought as determined by the National Drought Mitigation Center; or (d) Implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system. (2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur. (3) Notwithstanding any other provision of law to the contrary, agricultural machinery and implements may be operated on state highways between the hours of sunset and sunrise for agricultural purposes provided such vehicles are equipped with lighting meeting the requirements of section 307.115. 14. As used in this chapter the term"implements of husbandry"means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials. 15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The commission shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours. ---------- (RSMo 1939 § 8405, A.L. 1943 p. 663, A. 1949 S.B. 1113, A.L. 1953 p. 568, A.L. 1957 p. 624, A.L. 1965 p. 488, A.L. 1967 p. 412, A.L. 1971 S.B. 317, A.L. 1972 H.B. 1112, A.L. 1974 S.B. 552, A.L. 1979 S.B. 44, A.L. 1980 S.B. 508, A.L. 1983 H.B. 539, A.L. 1985 S.B. 416, A.L. 1986 S.B. 784, A.L. 1988 S.B. 686, A.L. 1992 H.B. 1794, A.L. 1999 S.B. 17 merged with S.B. 19, A.L. 2000 H.B. 1142 merged with H.B. 1948, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 82, A.L. 2009 H.B. 93 & 216 merged with H.B. 683, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2020 H.B. 1963) Prior revision: 1929 § 7787

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.172 - Fire-fighting equipment exempt from size restrictions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.172. Fire-fighting equipment exempt from size restrictions. —The provisions of sections 304.170 to 304.240 relating to height, width, and length restrictions for motor vehicles shall not apply to any motor vehicle and its attached apparatus which is designed for use and used by a fire department, fire protection district or volunteer fire protection association or when being operated by a fire apparatus manufacturer or sales organization for the purpose of sale, demonstration, exhibit, or delivery to a fire department, fire protection district or volunteer fire protection association. ---------- (L. 1989 S.B. 55, A.L. 1995 S.B. 70, A.L. 2020 H.B. 1963)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.174 - Size and load restrictions not applicable to wreckers, tow trucks, rollbacks and car carriers, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.174. Size and load restrictions not applicable to wreckers, tow trucks, rollbacks and car carriers, when. —The provisions of sections 304.170 to 304.240 relating to height, width, weight, length and load restrictions for motor vehicles shall not apply to any wrecker or tow truck performing a wrecker or towing service, as defined in section 301.010. If a disabled or wrecked vehicle cannot be moved by a wrecker or tow truck, a rollback or car carrier, as defined in section 301.010, may be used without regard to such height, width, weight, length and load restrictions, if it is a bona fide wrecker operator or owner. ---------- (L. 1992 H.B. 1794)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.180 - Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — specific vehicles, maximum weight.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.180. Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — specific vehicles, maximum weight. —1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term"tandem axle"shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart. 2. An"axle load"is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle. 3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table: --Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more. 4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge. 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended. 6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, 10, 12, 13, and 14 of this section. 7. Notwithstanding any provision of this section to the contrary, the commission shall issue a single-use special permit, or upon request of the owner of the truck or equipment shall issue an annual permit, for the transporting of any crane or concrete pump truck or well-drillers' equipment. The commission shall set fees for the issuance of permits and parameters for the transport of cranes pursuant to this subsection. Notwithstanding the provisions of section 301.133, cranes, concrete pump trucks, or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day. 8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology. 9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways. 10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system.

The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways. 11. Notwithstanding any provision of this section or any other law to the contrary, the commission shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the department of transportation motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The commission shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. 12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear-drive steer axle; except that, such emergency vehicles shall only operate on the Dwight D. Eisenhower National System of Interstate and Defense Highways. 13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds. 14. Notwithstanding any provision of law to the contrary, local log trucks and local log truck tractors, as defined in section 301.010, may be operated with a weight not exceeding twenty-two thousand four hundred pounds on one axle or a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, except the front steering axle shall not exceed fifteen thousand pounds or the gross vehicle weight rating set by the manufacturer, and may have a total weight of up to one hundred nine thousand six hundred pounds. Provided however, when operating on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the radius from the forested site specified in section 301.010 with an extended distance local log truck permit, the vehicle shall not exceed the weight limits otherwise specified in this section. ---------- (RSMo 1939 § 8406, A.L. 1943 p. 663, A. 1949 S.B. 1113, A.L. 1951 p. 695, A.L. 1957 p. 624, A.L. 1963 p. 417, A.L. 1965 p. 489, A.L. 1967 p. 412, A.L. 1983 H.B. 539, A.L. 1985 H.B. 157 merged with H.B. 330, A.L. 2000 H.B. 1948, A.L. 2001 S.B. 244, A.L. 2008 S.B. 930 & 947, A.L. 2012 S.B. 470 merged with S.B. 568 merged with S.B. 631, A.L. 2013 H.B. 103, A.L. 2014 H.B. 1190, A.L. 2015 S.B. 12, A.L. 2017 S.B. 8 merged with S.B. 222 merged with S.B. 225, A.L. 2018 S.B. 683 merged with S.B. 881, A.L. 2020 H.B. 1963, A.L. 2022 1st Ex. Sess. H.B. 3, A.L. 2023 H.B. 202 merged with S.B. 138) Prior revision: 1929 § 7787 (1971) The single axle, tandem axle and gross weight limits specified in § 304.180 are cumulative and each must be complied with. The state is not required to establish either intent to violate the limits or guilty knowledge of such violation to make a case. State v. Boze (A.), 472 S.W.2d 35.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.181 - Buses, axle weight limits.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.181. Buses, axle weight limits. —The limitations on weight on axles established in section 304.180, do not apply to buses. No bus having a greater weight than twenty thousand pounds on one axle or thirty-four thousand pounds on any tandem axle shall be moved on or operated on any highway in this state. The terms "axle" and "tandem axle" as used in this section shall have the same meaning as is provided in section 304.180, for other vehicles. ---------- (L. 1977 S.B. 164 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.184 - Transportation of solid waste, weight restrictions for trucks and tractor-trailers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.184. Transportation of solid waste, weight restrictions for trucks and tractor-trailers. —Notwithstanding any other provision of law to the contrary, any truck, tractor-trailer or other combination engaged in transporting solid waste, as defined by section 260.200, between any city and a solid waste disposal area or solid waste processing facility approved by the department of natural resources or department of health and senior services, may operate with a weight not to exceed twenty-two thousand four hundred pounds on one axle or a weight not to exceed forty-four thousand eight hundred pounds on any tandem axle; but nothing in this section shall be construed to permit the operation of any motor vehicle on the interstate highway system in excess of the weight limits imposed by federal statute; and no such truck, tractor-trailer or other combination shall exceed the width and length limitations provided in section 304.190. ---------- (L. 2005 H.B. 487 merged with S.B. 225)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.190 - Height and weight regulations (cities of 75,000 or more) — commercial zone defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.190. Height and weight regulations (cities of 75,000 or more) — commercial zone defined. —1. No motor vehicle, unladen or with load, operating exclusively within the corporate limits of cities containing seventy-five thousand inhabitants or more or within two miles of the corporate limits of the city or within the commercial zone of the city shall exceed fifteen feet in height. 2. No motor vehicle operating exclusively within any said area shall have a greater weight than twenty-two thousand four hundred pounds on one axle. 3. The"commercial zone"of the city is defined to mean that area within the city together with the territory extending one mile beyond the corporate limits of the city and one mile additional for each fifty thousand population or portion thereof provided, however: (1) The commercial zone surrounding a city not within a county shall extend twenty-five miles beyond the corporate limits of any such city not located within a county and shall also extend throughout any county with a charter form of government which adjoins that city and throughout any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city; (2) The commercial zone of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall extend twelve miles beyond the corporate limits of any such city; except that this zone shall extend from the southern border of such city's limits, beginning with the western-most freeway, following said freeway south to the first intersection with a multilane undivided highway, where the zone shall extend south along said freeway to include a city of the fourth classification with more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend north from the intersection of said freeway and multilane undivided highway along the multilane undivided highway to the city limits of a city with a population of at least four hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from the city limits of a special charter city with more than two hundred seventy-five but fewer than three hundred seventy-five inhabitants along State Route 210 and northwest from the intersection of State Route 210 and State Route 10 to include the boundaries of any city of the third classification with more than ten thousand eight hundred but fewer than ten thousand nine hundred inhabitants and located in more than one county. The commercial zone shall continue east along State Route 10 from the intersection of State Route 10 and State Route 210 to the eastern city limit of a city of the fourth classification with more than five hundred fifty but fewer than six hundred twenty-five inhabitants and located in any county of the third classification without a township form of government and with more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended to also include the stretch of State Route 45 from its intersection with Interstate 29 extending northwest to the city limits of any village with more than forty but fewer than fifty inhabitants and located in any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat. The commercial zone described in this subdivision shall be extended east from the intersection of State Route 7 and U.S. Highway 50 to include the city limits of a city of the fourth classification with more than one thousand fifty but fewer than one thousand two hundred inhabitants and located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and from the eastern limits of said city east along U.S. Highway 50 up to and including the intersection of U.S. Highway 50 and State Route AA, then south along State Route AA up to and including the intersection of State Route AA and State Route 58, then west along State Route 58 to include the city limits of a city of the fourth classification with more than one hundred forty but fewer than one hundred sixty inhabitants and located in any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, and from the western limits of said city along State Route 58 to where State Route 58 intersects with State Route 7; (3) The commercial zone of a city of the third classification with more than nine thousand six hundred fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city limits along U.S. Highway 61 to the intersection of State Route OO in a county of the third classification without a township form of government and with more than seventeen thousand eight hundred but fewer than seventeen thousand nine hundred inhabitants; (4) The commercial zone of a home rule city with more than one hundred eight thousand but fewer than one hundred sixteen thousand inhabitants and located in a county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants shall extend north from the city limits along U.S. Highway 63, a state highway, to the intersection of State Route NN, and shall continue west and south along State Route NN to the intersection of State Route 124, and shall extend east from the intersection along State Route 124 to U.S. Highway 63. The commercial zone described in this subdivision shall also extend east from the city limits along State Route WW to the intersection of State Route J and continue south on State Route J for four miles. 4. In no case shall the commercial zone of a city be reduced due to a loss of population. The provisions of this section shall not apply to motor vehicles operating on the interstate highways in the area beyond two miles of a corporate limit of the city unless the United States Department of Transportation increases the allowable weight limits on the interstate highway system within commercial zones. In such case, the mileage limits established in this section shall be automatically increased only in the commercial zones to conform with those authorized by the United States Department of Transportation. 5. Nothing in this section shall prevent a city, county, or municipality, by ordinance, from designating the routes over which such vehicles may be operated. 6. No motor vehicle engaged in interstate commerce, whether unladen or with load, whose operations in the state of Missouri are limited exclusively to the

commercial zone of a first class home rule municipality located in a county with a population between eighty thousand and ninety-five thousand inhabitants which has a portion of its corporate limits contiguous with a portion of the boundary between the states of Missouri and Kansas, shall have a greater weight than twenty-two thousand four hundred pounds on one axle, nor shall exceed fifteen feet in height. ---------- (RSMo 1939 § 8384, 8409, A. 1949 S.B. 1113, A.L. 1951 p. 695, A.L. 1957 p. 624, A.L. 1965 p. 492, A.L. 1967 p. 415, A.L. 1971 S.B. 317, A.L. 1983 H.B. 539, A.L. 1988 S.B. 663, A.L. 2004 S.B. 1233, et al., A.L. 2007 S.B. 322, A.L. 2012 H.B. 1402 merged with S.B. 470 merged with S.B. 568, A.L. 2014 H.B. 2163 merged with S.B. 672, A.L. 2015 S.B. 272, A.L. 2017 S.B. 225) Prior revision: 1929 §§ 7776, 7791

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.200 - Special permits for oversize or overweight loads — rules for issuing — when valid.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.200. Special permits for oversize or overweight loads — rules for issuing — when valid. —1. The chief engineer of the state department of transportation, for good cause shown and when the public safety or public interest so justifies, shall issue special permits for vehicles or equipment exceeding the limitations on width, length, height and weight herein specified, or which are unable to maintain minimum speed limits. Such permits shall be issued only for a single trip or for a definite period, not beyond the date of expiration of the vehicle registration, and shall designate the highways and bridges which may be used pursuant to the authority of such permit. 2. The chief engineer of the state department of transportation shall upon proper application and at no charge issue a special permit to any person allowing the movement on state and federal highways of farm products between sunset and sunrise not in excess of fourteen feet in width. Special permits allowing movement of oversize loads of farm products shall allow for movement between sunset and sunrise, subject to appropriate requirements for safety lighting on the load, appropriate limits on load dimensions and appropriate consideration of high traffic density between sunset and sunrise on the route to be traveled. The chief engineer may also issue upon proper application a special permit to any person allowing the movement on the state and federal highways of concrete pump trucks or well-drillers equipment. For the purposes of this section, "farm products" shall have the same meaning as provided in section 400.9-109. 3. Rules and regulations for the issuance of special permits shall be prescribed by the state highways and transportation commission and filed with the secretary of state. No rule or portion of a rule promulgated pursuant to the authority of section 304.010 and this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. 4. The officer in charge of the maintenance of the streets of any municipality may issue such permits for the use of the streets by such vehicles within the limits of such municipalities. 5. In order to transport manufactured homes, as defined in section 700.010, on the roads, highways, bridges and other thoroughfares within this state, only the applicable permits required by this section shall be obtained. ---------- (RSMo 1939 §§ 8384, 8405, 8406, A.L. 1943 p. 663, A. 1949 S.B. 1113, A.L. 1972 S.B. 546, A.L. 1979 S.B. 44, A.L. 1983 H.B. 539, A.L. 1985 S.B. 221 merged with S.B. 152, A.L. 1988 S.B. 686, A.L. 1989 S.B. 278, A.L. 1995 S.B. 3, A.L. 1996 S.B. 677, A.L. 2000 H.B. 1142 merged with H.B. 1948, A.L. 2002 H.B. 1270 and H.B. 2032 merged with S.B. 974) Prior revision: 1929 §§ 7776, 7787, 7788 CROSS REFERENCE: Over-dimension and overweight motor vehicles or loads, authority of highways and transportation commission, 226.008

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.210 - Reduction of maximum weight by highways and transportation commission — notice.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.210. Reduction of maximum weight by highways and transportation commission — notice. —Whenever by reason of thawing of frost, or rains, or due to new construction the roads are in a soft condition, the maximum weights on all vehicles mentioned in section 304.180, including trucks, tractors, trailers and semitrailers and other vehicles therein mentioned may be limited by the state highways and transportation commission to such an amount and in such manner as will preserve the road under such conditions; and said commission shall give due notice thereof by posting notices at convenient and public places along said road or roads or parts thereof which are subject to said regulations and reduction of weights. ---------- (RSMo 1939 § 8407) Prior revision: 1929 § 7789

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.220 - Weight limits on county roads and bridges reduced, when — penalty for violation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.220. Weight limits on county roads and bridges reduced, when — penalty for violation. —1. Whenever the county highway engineer of any county, or in any county in which there shall be no highway engineer, such other officer as the county commission may designate, shall find that any county road or bridge of such county is in such a condition that use thereof by vehicles of the weights specified in section 304.180, will endanger the road or bridge, or the users thereof, the county highway engineer may with the approval of the division engineer of the state transportation department whose division includes the area in question establish maximum weight limits for vehicles using such road or bridge in such amounts as will preserve the road or bridge and provide a reasonable margin of safety to the users thereof. Notice of any such weight limit established shall be given by posting signs at convenient and public places along any such road, and in conspicuous places at each end of any such bridge. 2. It shall be unlawful for any person to operate a vehicle of a weight in excess of the maximum limit established pursuant to the provisions of this section on or over any road or bridge upon which such maximum weight limits have been established unless the person shall have the express permission of the officer empowered to establish such limit. 3. Any person who shall violate the provisions of this section shall be guilty of a class C misdemeanor, and

shall be liable in a civil action for any damages to the road or bridge. ---------- (L. 1943 p. 659 § 8407A, A.L. 1953 p. 595, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.230 - Enforcement of load laws — commercial vehicle inspectors, powers.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.230. Enforcement of load laws — commercial vehicle inspectors, powers. —1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections. Beginning January 1, 2009, only law enforcement officers that have been approved by the Missouri state highway patrol under section 304.232, members of the Missouri state highway patrol, commercial vehicle enforcement officers, and commercial vehicle inspectors appointed under subsection 4 of this section shall have the authority to conduct random roadside examinations or inspections to determine compliance with sections 304.170 to 304.230, and only such officers shall have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted by sections 304.170 to 304.230, to require the driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine compliance with sections 304.170 to 304.230. Notwithstanding the provisions of this subsection, a law enforcement officer not certified under section 304.232 may stop a vehicle that has a visible external safety defect relating to the enforcement of the provisions of sections 304.170 to 304.230 that could cause immediate harm to the traveling public. Nothing in this section shall be construed as preventing a law enforcement officer not certified under section 304.232 from stopping and detaining a commercial motor vehicle when such officer has probable cause to believe that the commercial motor vehicle is being used to conduct illegal or criminal activities unrelated to violations of sections 304.170 to 304.230. In the course of a stop, the law enforcement officer shall identify to the driver the defect that caused the stop. If the vehicle passes a comprehensive roadside inspection, the law enforcement officer, state highway patrolman, or other authorized person shall issue such vehicle a commercial vehicle safety alliance inspection decal to be affixed to the vehicle in a manner prescribed by the commercial vehicle safety alliance. The superintendent of the Missouri state highway patrol shall promulgate rules and regulations relating to the implementation of the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void. 2. Any peace officer approved under section 304.232 or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof he or she shall have a right at that time and place to cause the excess load to be removed from such vehicle; and provided further, that any regularly employed maintenance man of the department of transportation shall have the right and authority in any part of this state to stop any such conveyance or vehicle upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time and place to cause the excess load to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if this will not overload some other axle or axles, without being charged with a violation; provided, however, the privilege of shifting the weight without being charged with a violation shall not extend to or include vehicles while traveling on the federal interstate system of highways. When only an axle or tandem axle group of the vehicle traveling on the federal interstate system of highways is overloaded and a court authorized to enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded, then the court may find that no violation has been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance men to enforce the provisions of such sections, and the maintenance men delegated and appointed in this section shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution by such proper officers. 3. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to supervise or operate permanent or portable weigh stations used in the enforcement of commercial vehicle laws. These persons shall be designated as commercial vehicle inspectors and have limited police powers: (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations of rules and regulations of the division of motor carrier services of the highway and transportation commission and department of public safety, and laws, rules, and regulations pertaining to commercial motor vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver requirements,

transportation of hazardous materials and operators' or chauffeurs' licenses, and the provisions of sections 303.024 and 303.025; (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, the provisions of sections 303.024 and 303.025, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations; (3) To make arrests for violation of subdivisions (1) and (2) of this subsection. Commercial vehicle inspectors shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol; nor shall they have the right as peace officers to bear arms. 4. The superintendent of the Missouri state highway patrol may appoint qualified persons, who are not members of the highway patrol, designated as commercial vehicle enforcement officers, with the powers: (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the provisions of sections 303.024 and 303.025; (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations; (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this subsection. Commercial vehicle officers selected and designated as peace officers by the superintendent of the Missouri state highway patrol are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests solely for violations under the powers granted in subdivisions (1) to (3) of this subsection. Commercial vehicle enforcement officers shall not have the authority to exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed training approved by the superintendent of the Missouri state highway patrol and have completed the mandatory standards for the basic training and licensure of peace officers established by the peace officers standards and training commission under subsection 1 of section 590.030. Commercial vehicle officers who are employed and performing their duties on August 28, 2008, shall have until July 1, 2012, to comply with the mandatory standards regarding police officer basic training and licensure. Commercial vehicle enforcement officers shall have the right as peace officers to bear arms. 5. Any additional employees needed for the implementation of this section shall be hired in conformity with the provisions of the federal fair employment and antidiscrimination acts. 6. Any part of this section which shall be construed to be in conflict with the axle or tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect. 7. The superintendent may also appoint members of the patrol who are certified under the commercial vehicle safety alliance with the power to conduct commercial motor vehicle and driver inspections and to require the operator of any commercial vehicle to stop and submit to said inspections to determine compliance with commercial vehicle laws, rules, and regulations, compliance with the provisions of sections 303.024 and 303.025, and to submit to a cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations. ---------- (RSMo 1939 § 8408, A.L. 1963 p. 422, A.L. 1965 p. 492, A.L. 1979 H.B. 454, A.L. 1985 H.B. 157 merged with H.B. 368, A.L. 1994 S.B. 475, A.L. 1998 H.B. 1802, A.L. 2008 S.B. 930 & 947) Prior revision: 1929 § 7790 CROSS REFERENCE: Division of motor carrier and railroad safety abolished, duties and functions transferred to highways and transportation commission and department of transportation, 226.008 (1994) Search of commercial motor vehicle pursuant to section was objectively authorized and legally permitted as state had legitimate governmental interest in stopping, weighing and inspecting vehicles for safety of persons traveling on state's highways and did not violate Fourth Amendment of the United States Constitution prohibiting unreasonable search and seizures. State v. Rodriguez, 877 S.W.2d 106 (Mo.banc). (1996) Commercial vehicle inspector's ticketing powers are limited to weigh stations, which must be stationary. State v. Ruch, 926 S.W.2d 937 (Mo.App. W.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.232 - Municipal law enforcement officers, state highway patrol to approve certification procedures — fees — requirements — random roadside inspections prohibited, when — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.232. Municipal law enforcement officers, state highway patrol to approve certification procedures — fees — requirements — random roadside inspections prohibited, when — rulemaking authority. —1. The Missouri state highway patrol shall approve procedures for the certification of municipal police officers, sheriffs, deputy sheriffs, and other law enforcement officials that enforce sections 304.170 to 304.230. 2. The certification procedures shall meet the requirements of the memorandum of understanding between the state of Missouri and the commercial vehicle safety alliance or any successor organization, as periodically adopted or amended. 3. Commercial motor vehicle safety data collection, management, and distribution by law enforcement officials shall be compatible with the information systems of the Missouri state highway patrol. 4. The Missouri state highway patrol shall establish reasonable fees sufficient to recover the cost of training, recurring training, data collection and management, certifying, and additional administrative functions for law enforcement officials approved under this section. 5. The agencies for which law enforcement officials approved under this section shall adhere to the Motor Carrier Safety Assistance Program requirements under 49 Code of Federal Regulations Part 350 of the Federal Motor Carrier Safety Regulations. 6. The agencies for which law enforcement officials approved under this section shall be subject to periodic program reviews and be required to submit a commercial vehicle safety plan that is consistent with and incorporated into the statewide enforcement plan. 7. Beginning January 1, 2009, no local law enforcement officer may conduct a random commercial motor vehicle roadside inspection to determine compliance with the provisions of sections 304.170 to 304.230 unless the law

enforcement officer has satisfactorily completed, as a part of his or her training, the basic course of instruction developed by the commercial vehicle safety alliance and has been approved by the Missouri state highway patrol under this section. Law enforcement officers authorized to enforce the provisions of sections 304.170 to 304.230 shall annually receive in-service training related to commercial motor vehicle operations, including but not limited to training in current federal motor carrier safety regulations, safety inspection procedures, and out-of-service criteria. The annual training requirements shall be approved by the superintendent of the state highway patrol. 8. Law enforcement officers who have received commercial vehicle safety alliance certification prior to January 1, 2009, shall be exempt from the provisions of this section and such officers shall be qualified to conduct random roadside inspections described under this section and section 304.230. 9. No safety inspection shall be performed on the shoulder of any highway with a posted speed limit in excess of forty miles per hour, except that safety inspections may be permitted on the shoulder at any entrance or exit of such highway where there is adequate space on the shoulder to safely perform such inspection. 10. The superintendent of the state highway patrol shall promulgate rules and regulations necessary to administer the certification procedures and any other provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void. ---------- (L. 2008 S.B. 930 & 947, A.L. 2018 S.B. 881)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.235 - Commercial vehicles licensed for eighteen thousand pounds or less not to stop at weigh station or be otherwise identified — confidentiality rules do not apply to commercial vehicle enforcement officers, when — penalty for evading weigh station.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.235. Commercial vehicles licensed for eighteen thousand pounds or less not to stop at weigh station or be otherwise identified — confidentiality rules do not apply to commercial vehicle enforcement officers, when — penalty for evading weigh station. —All commercial motor vehicles shall be required to stop at an official weigh station, or to be identified through automated means approved by this state and determined to be in compliance without the necessity of stopping, except those licensed for a gross weight of not more than eighteen thousand pounds shall not be required to stop or to be identified unless so directed by a peace officer or a commercial motor vehicle enforcement officer or inspector. The provisions of sections 32.057 and 32.091 which govern confidentiality and prohibit the release of information shall not apply to commercial motor vehicle enforcement officers or their licensees in the performance of their duties at weigh stations. Any person who does not stop at a weigh station or who otherwise improperly evades stopping at the weight station and who is later determined not to be in compliance with the provisions of this chapter governing weigh limits may be punished pursuant to section 304.570. ---------- (L. 1973 H.B. 327 § 1, A.L. 1977 H.B. 186, A.L. 1999 H.B. 646 merged with S.B. 19)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.240 - Violation of load law a misdemeanor — penalty — local log truck and local log truck tractor, violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.240. Violation of load law a misdemeanor — penalty — local log truck and local log truck tractor, violation, penalty. —1. Any person, firm, corporation, partnership or association violating any of the provisions of sections 304.170 to 304.230 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars or by confinement in a county jail for not more than twelve months, or by both the fine and confinement; provided, however, that where load limits as defined in sections 304.180 to 304.220 have been violated, the fine shall be two cents for each pound of excess weight up to and including five hundred, and five cents for each pound of excess weight above five hundred and not exceeding one thousand, and ten cents for each pound in excess weight above one thousand; provided that, when any vehicle is being operated under a special permit as provided in section 304.200, the term"excess weight"means only weight in excess of the amount permitted in the permit as issued. The court may, in its discretion, cause to be impounded the motor vehicle operated by any person violating the provisions of this section until such time as the fine and cost assessed by the court under this section is paid. 2. Notwithstanding subsection 1 of this section, the fine for a load-limit violation under sections 304.180 to 304.220 involving a local log truck or a local log truck tractor, as such terms are defined in section 301.010, shall be as follows: (1) If the weight exceeds the limit by one pound to four thousand nine hundred ninety-nine pounds, the fine shall be ten cents for each pound of excess weight; (2) If the weight exceeds the limit by five thousand pounds to nine thousand nine hundred ninety-nine pounds, the fine shall be twenty cents for each pound of excess weight; and (3) If the weight exceeds the limit by ten thousand pounds or more, the fine shall be fifty cents for each pound of excess weight. ---------- (RSMo 1939 § 8410, A.L. 1951 p. 706, A.L. 1967 p. 416, A.L. 2022 1st Ex. Sess. H.B. 3) Prior revision: 1929 § 7792 Effective 1-02-23

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.250 - Restriction on use of metal-tired vehicles — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.250. Restriction on use of metal-tired

vehicles — penalty. —1. No metal-tired vehicle shall be operated over any of the improved highways of this state, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the highway is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads, when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred pounds. 2. No tractor, tractor engine, or other metal-tired vehicle weighing more than four tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement. 3. Violation of this section shall be deemed an infraction and any person violating this section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction, in the name of the state, by the municipality, county or other civil subdivision or interested party. ---------- (RSMo 1939 § 8384, A. 1949 S.B. 1113, A.L. 1996 H.B. 1047) Prior revision: 1929 § 7776

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.260 - Tractors exempt — designation of truck routes by commission.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.260. Tractors exempt — designation of truck routes by commission. —Farm tractors when using the highways in traveling from one field or farm to another, or to or from places of delivery or repair, or when participating in activities or events permitted under subsection 13*of section 304.170 are exempt from the provisions of the law relating to registration and display of number plates, but shall comply with all the other provisions hereof. The state highways and transportation commission shall have the power and authority to prescribe the type of road upon which such tractors may be used and may exclude the use of such tractors or the use of trucks of any particular weight from the use of certain designated roads or types of roads, by the posting of signs along or upon such roads or any part thereof. ---------- (RSMo 1939 § 8384, A. 1949 S.B. 1113, A.L. 2009 H.B. 93 & 216 merged with H.B. 683) Prior revision: 1929 § 7776 Effective 5-29-09 (H.B. 93 & 216); 7-01-09 (H.B. 683) *In 2017 statutory reference to subsection "12" changed to "13" in accordance with section 3.060.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.271 - Observance of traffic-control devices — presumptions — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.271. Observance of traffic-control devices — presumptions — penalty. —1. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of the law, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the law. 2. No provision of the law for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. 3. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of the law, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence. 4. Any official traffic-control device placed pursuant to the provisions of the law and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. 5. Notwithstanding the provisions of section 304.361, violation of this section is a class C misdemeanor. ---------- (L. 1969 S.B. 180 § 1, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.281 - Rules for traffic where controlled by light signals — right turn on red light, when — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.281. Rules for traffic where controlled by light signals — right turn on red light, when — violations, penalty. —1. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows: (1) Green indication (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited; (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with

another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; (c) Unless otherwise directed by a pedestrian control signal, as provided in section 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. (2) Steady yellow indication (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection; (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section 304.291, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway. (3) Steady red indication (a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph (b); (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof; (c) Unless otherwise directed by a pedestrian control signal as provided in section 304.291, pedestrians facing a steady red signal alone shall not enter the roadway. (4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provision of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. 2. Notwithstanding the provisions of section 304.361, violation of this section is a class C misdemeanor. ---------- (L. 1969 S.B. 180 § 2, A.L. 1973 1st Ex. Sess. H.B. 26, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.285 - Red light violations by motorcycles or bicycles, affirmative defense, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.285. Red light violations by motorcycles or bicycles, affirmative defense, when. —Any person operating a motorcycle or bicycle who violates the provisions of section 304.281 or section 304.301 by entering or crossing an intersection controlled by a traffic control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions: (1) The motorcycle or bicycle has been brought to a complete stop; (2) The traffic control signal continues to show a red light for an unreasonable time; (3) The traffic control is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and (4) No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.--The affirmative defense of this section applies only to a violation for entering or crossing an intersection controlled by a traffic control signal against a red light and does not provide a defense to any other civil or criminal action. --The affirmative defense of this section applies only to a violation for entering or crossing an intersection controlled by a traffic control signal against a red light and does not provide a defense to any other civil or criminal action. ---------- (L. 2009 H.B. 683 merged with S.B. 368)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.289 - Timing of signals, minimum interval times to be established.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.289. Timing of signals, minimum interval times to be established. —The timing of any traffic-control signal shall conform to regulations promulgated by the Department of Transportation. The department of transportation shall establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard. ---------- (L. 2012 H.B. 1402 merged with S.B. 611)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.291 - Rules for pedestrians controlled by special signs.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.291. Rules for pedestrians controlled by special signs. —Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows: (1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles. (2) Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing. ---------- (L. 1969 S.B. 180 § 3)

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.301 - Rules for vehicular traffic controlled by flashing signals — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.301. Rules for vehicular traffic controlled by flashing signals — violation, penalty. —1. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows: (1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; (2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution. 2. Notwithstanding the provisions of section 304.361, any person who violates subdivision (1) of subsection 1 of this section is guilty of a class C misdemeanor and any person who violates subdivision (2) of subsection 1 of this section is guilty of an infraction. ---------- (L. 1969 S.B. 180 § 4, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.311 - Observance of lane — direction — control signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.311. Observance of lane — direction — control signals. —When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. ---------- (L. 1969 S.B. 180 § 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.321 - Unauthorized signal devices prohibited — trafficway not to be used for signs — nuisances declared.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.321. Unauthorized signal devices prohibited — trafficway not to be used for signs — nuisances declared. —1. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal. 2. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising unless authorized by the Missouri highways and transportation commission. 3. This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs. 4. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance. ---------- (L. 1969 S.B. 180 § 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.331 - Alteration or removal of traffic-control devices prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.331. Alteration or removal of traffic-control devices prohibited. —No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. ---------- (L. 1969 S.B. 180 § 7)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.341 - Turns at intersection — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.341. Turns at intersection — violation, penalty. —1. The driver of a vehicle intending to turn at an intersection shall do so as follows: (1) Right turns. — Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. (2) Left turns. — The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to the traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. (3) The highways and transportation commission or local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at any intersection other than as directed and required by such devices. 2. It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction at any intersection controlled by a traffic signal or police officer; nor shall such turn be made at any place unless the movement can be made in safety and without interfering with other traffic. The

driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, or at any place upon a roadway where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction along the roadway within a distance of three hundred feet, or where the same may create a traffic hazard. 3. No vehicle in a residence district shall be turned left across the roadway or so as to proceed in the opposite direction when any other vehicle is approaching from either direction where the same may create a traffic hazard. 4. Notwithstanding the provisions of section 304.361, violation of this section is a class C misdemeanor. ---------- (L. 1969 S.B. 180 § 8.304.018, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.351 - Right-of-way at intersection — signs at intersections — violation, penalty — additional penalties — definitions — order of suspension, contents, appeal.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.351. Right-of-way at intersection — signs at intersections — violation, penalty — additional penalties — definitions — order of suspension, contents, appeal. —1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection. 2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn. 3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. 4. (1) The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection. (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section: (a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection. (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection. 5. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered. 6. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard. 7. The state highways and transportation commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of section 304.010. 8. Notwithstanding the provisions of section 304.361, violation of this section shall be deemed a class C misdemeanor. 9. In addition to the penalty specified in subsection 8 of this section, any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused physical injury, there shall be assessed a penalty of up to two hundred dollars. The court may issue an order of suspension of such person's driving privilege for a period of thirty days. 10. In addition to the penalty specified in subsection 8 of this section, any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused serious physical injury, there shall be assessed a penalty of up to five hundred dollars. The court may issue an order of suspension of such person's driving privilege for a period of ninety days. 11. In addition to the penalty specified in subsection 8 of this section, any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused a fatality, there shall be assessed a penalty of up to one thousand dollars. The court may issue an order of suspension of such person's driving privilege for a period of six months. 12. As used in subsections 9 and 10 of this section, the terms "physical injury" and "serious physical injury" shall have the meanings ascribed to them in section 556.061. 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the director of the department shall impose such suspension as set forth in the court order. The order of suspension shall include the name of the offender, the offender's driver's license number, Social Security number, and the effective date of the suspension. Any appeal of a suspension imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order and subject to review by the presiding judge of the circuit court or another judge within the circuit other than the judge who issued the original order to suspend the driver's license. The director of revenue's entry of the court-ordered suspension on the driving record is not a decision subject to review under section 302.311. Any suspension of the driver's license ordered by the court under this section shall be in

addition to any other suspension that may occur as a result of the conviction under other provisions of law. ---------- (L. 1969 S.B. 180 § 9.304.021, A.L. 1996 H.B. 1047, A.L. 2006 S.B. 872, et al.) Effective 1-01-07 (1968) Failure to yield the right-of-way is specifically denounced as an offense, but an information charging careless and imprudent driving by failure to yield the right-of-way at a place where required by statute to do so, includes the offense as descriptive of what happened and in what manner defendant drove imprudently. State v. Richards (A.), 429 S.W.2d 351. (1972) Information charging that defendant "failed to yield the right-of-way to vehicle approaching intersection so closely as to constitute an immediate hazard" held insufficient as failing to inform defendant of offense of which he was charged. State v. Miles, 488 S.W.2d 219. (1976) Notwithstanding the literal language of subsection 5 of this section, a driver about to enter or cross a highway from a private road or driveway must yield the right-of-way to all vehicles on the highway approaching so close as to constitute an immediate hazard rather than to all vehicles approaching on the highway to be entered. Cope v. Thompson (A.), 534 S.W.2d 641.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.361 - Penalty for violation of sections 304.271 to 304.351.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.361. Penalty for violation of sections 304.271 to 304.351. —Any person who violates any of the provisions of sections 304.271 to 304.351 is guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than five hundred dollars or by imprisonment in the county jail not exceeding one year or by both such fine and imprisonment. ---------- (L. 1969 S.B. 180 § 10)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.373 - Hazardous materials, requirements for transportation — violations, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.373. Hazardous materials, requirements for transportation — violations, penalties. —1. For the purpose of this section, "hazardous materials" shall be as defined pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended. 2. No person shall transport hazardous materials in or through any highway tunnel in this state. For purposes of this section, a tunnel shall be defined as a horizontal subterranean passageway through or under an obstruction of a length of one hundred yards or more. 3. No person shall park a vehicle containing hazardous materials within three hundred feet of any highway tunnel in this state except as provided pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and as such regulations have been and may periodically be amended. 4. Any person who is found or pleads guilty to a violation of this section shall be guilty of a class B misdemeanor. Any person who is found or pleads guilty to a second or subsequent violation of this section shall be guilty of a class A misdemeanor. Violations of this section shall be enforced pursuant to section 390.201. ---------- (L. 2002 H.B. 1270 and H.B. 2032 § 304.370 merged with S.B. 712 § 304.370)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.570 - Penalty for violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.570. Penalty for violations. —Any person who violates any of the provisions of this chapter or of sections 307.020 to 307.295, for which no specific punishment is provided, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than five hundred dollars or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment. ---------- (RSMo 1939 § 8404, A. 1949 S.B. 1113, A.L. 1961 p. 496) Prior revisions: 1929 § 7786; 1919 § 7601 (1955) Information charging that defendant operated automobile in careless, reckless and imprudent manner so as to endanger life, etc., held insufficient as failing to inform defendant of offense of which he was charged. State v. Reynolds (A.), 274 S.W.2d 514.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.580 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.580. Definitions. —As used in sections 304.582 and 304.585, the term"construction zone"or"work zone"means any area upon or around any highway as defined in section 302.010 which is visibly marked by the department of transportation or a contractor or subcontractor performing work for the department of transportation as an area where construction, maintenance, incident removal, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs or traffic control devices are posted or placed. The terms"worker"or"highway worker"as used in sections 304.582 and 304.585 shall mean any person who is working in a construction zone or work zone on a state highway or the right-of-way of a state highway, any employee of the department of transportation who is performing duties under the department's motorist assist program on a state highway or the right-of-way of a state highway, or any utility worker performing utility work on a state highway or the right-of-way of a state highway."Utility worker"means any employee or person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned, while in performance of his or her job duties. ---------- (L. 1994 H.B. 1430 § 1, A.L. 2001 S.B. 244, A.L. 2006 S.B. 872, et al., A.L. 2019 H.B. 499 merged with S.B. 89)

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.582 - Fines for moving violations — fines for violations in work or construction zones — signs required for assessing fines — penalty for passing in work or construction zones — not applicable to court costs.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.582. Fines for moving violations — fines for violations in work or construction zones — signs required for assessing fines — penalty for passing in work or construction zones — not applicable to court costs. —1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010, or any offense listed in section 302.302, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law. 2. Upon the first conviction or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any highway worker in such zone. Upon a second or subsequent such conviction or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section, and no person shall be assessed an additional fine under this subsection if no signs have been posted under subsection 3 of this section. 3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the department of transportation or a contractor or subcontractor performing work for the department of transportation has erected signs upon or around a construction zone or work zone which are clearly visible from the highway and which state substantially the following message: "Warning: Minimum $250 fine for speeding or passing in this work zone when workers are present.". 4. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone as provided in this subsection. Violation of this subsection is a class C misdemeanor. (1) This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane and not pass by appropriate signs or traffic control devices erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation. (2) This subsection also prohibits the operator of a motor vehicle from passing or attempting to pass another motor vehicle in a work zone or construction zone located upon a two-lane highway when highway workers or equipment are working and when appropriate signs or traffic control devices have been erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation. 5. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302. ---------- (L. 2006 S.B. 872, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.585 - Endangerment of a highway worker defined — fine, points assessed — aggravated endangerment of a highway worker, fine, points assessed — offense not applicable in absence of workers in zone — no citation or conviction, when — revocation of driver's license, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.585. Endangerment of a highway worker defined — fine, points assessed — aggravated endangerment of a highway worker, fine, points assessed — offense not applicable in absence of workers in zone — no citation or conviction, when — revocation of driver's license, when. —1. A person shall be deemed to commit the offense of"endangerment of a highway worker"upon conviction for any of the following when the offense occurs within a construction zone or work zone, as defined in section 304.580: (1) Exceeding the posted speed limit by fifteen miles per hour or more; (2) Passing in violation of subsection 4 of section 304.582; (3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone; (4) Driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone; (5) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument; (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or (7) Committing any of the following offenses for which points may be assessed under section 302.302: (a) Leaving the scene of an accident in violation of section 577.060; (b) Careless and imprudent driving in violation of subsection 4 of section 304.016; (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020; (d) Operating with a suspended or revoked license; (e) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content; (f) Any felony involving the use of a motor vehicle. 2. Upon conviction or a plea of guilty for committing the offense of endangerment of a highway worker under subsection 1 of this section if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than one thousand dollars and shall have four points assessed to his or her driver's license under section 302.302. 3. A person shall be deemed to commit the offense of"aggravated endangerment of a highway worker"upon conviction or a plea of guilty for any offense under subsection 1 of this section when such offense occurs in a construction zone or

work zone as defined in section 304.580 and results in the injury or death of a highway worker. Upon conviction or a plea of guilty for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than five thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars if the offense resulted in death to a highway worker. In addition, such person shall have twelve points assessed to their driver's license under section 302.302 and shall be subject to the provisions of section 302.304 regarding the revocation of the person's license and driving privileges. 4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction zone or work zone. 5. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle or from the negligence of another person or a highway worker. 6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions contributed to his or her vehicle striking a highway worker within a designated construction zone or work zone where department of transportation guidelines involving notice and signage were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made. (2) An individual who received notice of revocation from the department under this section may seek reinstatement by either: (a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or (b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the work zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only: a. Whether the person was involved in a physical accident where his or her vehicle struck a highway worker within a designated construction or work zone; b. Whether the department of transportation guidelines involving notice and signage were properly implemented in such work zone; and c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions contributed to his or her vehicle striking a highway worker. --If the court determines subparagraph a., b., or c. of this paragraph*not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive. (3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles. ---------- (L. 2006 S.B. 872, et al., A.L. 2019 H.B. 499 merged with S.B. 89) *Word "subdivision" appears here in original rolls of S.B. 89, 2019.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.590 - Travel safe zone defined — doubling of fine for violation in — signage required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.590. Travel safe zone defined — doubling of fine for violation in — signage required. —1. As used in this section, the term"travel safe zone"means any area upon or around any highway, as defined in section 302.010, which is visibly marked by the department of transportation; and when a highway safety analysis demonstrates fatal or disabling motor vehicle crashes exceed a predicted safety performance level for comparable roadways as determined by the department of transportation. 2. Upon a conviction or a plea of guilty by any person for a moving violation as defined in section 302.010 or any offense listed in section 302.302, the court may double the amount of fine authorized to be imposed by law, if the moving violation or offense occurred within a travel safe zone. 3. Upon a conviction or plea of guilty by any person for a speeding violation under section 304.009 or 304.010, the court may double the amount of fine authorized by law, if the violation occurred within a travel safe zone. 4. The penalty authorized under subsections 2 and 3 of this section shall only be assessed by the court if the department of transportation has erected signs upon or around a travel safe zone which are clearly visible from the highway and which state substantially the following message: "Travel Safe Zone — Fines Doubled". 5. This section shall

not be construed to enhance the assessment of court costs or the assessment of points under section 302.302. ---------- (L. 2008 S.B. 930 & 947, A.L. 2019 H.B. 192 merged with H.B. 499)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.665 - Riding in open bed of truck prohibited, when, exceptions, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.665. Riding in open bed of truck prohibited, when, exceptions, penalty. —1. No person shall operate any truck, as defined in section 301.010, with a licensed gross weight of less than twelve thousand pounds on any highway which is part of the state or federal highway system or when such truck is operated within the corporate limits of any city when any person under eighteen years of age is riding in the unenclosed bed of such truck. No person under eighteen years of age shall ride in the unenclosed bed of such truck when the truck is in operation. Any person who operates a truck with a licensed gross weight of less than twelve thousand pounds in violation of this section is guilty of a class C misdemeanor. 2. The provisions of this section shall only apply when a truck described in subsection 1 of this section is operated on a highway which is part of the state or federal highway system or when such truck is operated within the corporate limits of any city. The provisions of this section shall not apply to: (1) An employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck; (2) Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck; (3) Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law; (4) Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck; (5) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating."Special event", for the purposes of this section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed; (6) Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or (7) Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in such truck. For the purposes of this subdivision the term"family"shall mean any persons related within the first degree of consanguinity. ---------- (L. 1997 S.B. 121 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.670 - Collection and maintenance of certain information regarding traffic law enforcement, analyses to be conducted.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.670. Collection and maintenance of certain information regarding traffic law enforcement, analyses to be conducted. —1. The highway patrol and any local law enforcement agency may collect, correlate and maintain the following information regarding traffic law enforcement: (1) The number of drivers stopped for routine traffic enforcement and whether or not a citation or warning was issued; (2) Identifying characteristics of the drivers stopped, including race, ethnicity, age and gender; (3) The alleged violation that led to the stop; (4) Whether a search was instituted as a result of the stop; (5) Whether the vehicle, personal effects, driver or passengers were searched, and the race, ethnicity, age and gender of any person searched; (6) Whether the search was conducted pursuant to consent, probable cause or reasonable suspicion to suspect a crime, including the basis for the request for consent, or the circumstances establishing probable cause or reasonable suspicion; (7) Whether any contraband was found and the type and amount of any contraband; (8) Whether an arrest was made; (9) Whether any property was seized and a description of such property; (10) Whether the officers making the stop encountered any physical resistance from the driver or passengers; (11) Whether the officers making the stop engaged in the use of force against the driver or any passengers; (12) Whether the circumstances surrounding the stop were the subject of any investigation, and the results of such investigation. 2. The information to be collected pursuant to subsection 1 of this section need not be collected in connection with roadblocks, vehicle checks or checkpoints, except when such stops result in a*warning, search, seizure or arrest. 3. The highway patrol shall conduct analyses of the information collected pursuant to this section to determine whether law enforcement officers are using profiles in law enforcement activities. ---------- (L. 1999 S.B. 19 § 12) *Word "an" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.678 - Distance to be maintained when overtaking a bicycle — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.678. Distance to be maintained when overtaking a bicycle — violation, penalty. —1. The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in section 300.010, shall leave a safe distance, when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle. 2. Any person who violates the provisions of this section is guilty of an infraction unless an accident is involved in which case it shall be a class C misdemeanor. ---------- (L. 2005 H.B. 487 and L. 2005 S.B. 372, A.L. 2011 H.B. 315)

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.705 - Certain trucks not to drive in far left lane of certain interstate highways (St. Charles and Jefferson counties).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.705. Certain trucks not to drive in far left lane of certain interstate highways (St. Charles and Jefferson counties). —1. In any county with a population of more than one hundred eighty thousand inhabitants that adjoins a county with a charter form of government with a population of more than nine hundred thousand inhabitants, all trucks registered for a gross weight of more than twenty-four thousand pounds, as of January 1, 2008, shall not be driven in the far left lane upon an interstate highway having at least three lanes proceeding in the same direction, within three miles of where an interstate highway and a three-digit numbered Missouri route intersects with an average daily traffic count on the interstate highway of at least one hundred thirty thousand vehicles at such point. The Missouri department of transportation shall design, manufacture, and install any informational and directional signs at the appropriate locations. Such restriction shall not apply when: (1) It is reasonably necessary for the operation of the truck to respond to emergency conditions; or (2) The right or a center lane of a roadway is closed to traffic while under construction, maintenance, or repair. 2. As used in this section,"truck"means any vehicle, machine, tractor trailer, or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. 3. A violation of this section is an infraction unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class C misdemeanor, or unless an accident results from such violation, in which case such violation is a class A misdemeanor. ---------- (L. 2007 S.B. 22 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.725 - Veterans displaying special license plates or certain military medal recipients may park without charge in metered parking — windshield placard for veterans and certain military medal recipients — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.725. Veterans displaying special license plates or certain military medal recipients may park without charge in metered parking — windshield placard for veterans and certain military medal recipients — exceptions. —1. A veteran displaying special license plates issued under section 301.145, 301.443, 301.451, 301.456, 301.3052, 301.3053, or 301.3075, or a Distinguished Service Cross recipient, Air Force Cross recipient, or Coast Guard Cross recipient who displays a placard issued under subsection 2 of this section may park his or her motor vehicle, weighing not more than six thousand pounds gross weight, without charge, in a metered parking space or in a parking lot or garage on any public college or university in the state of Missouri, except during a special event where a separate parking fee may apply. 2. A veteran who has been awarded the Distinguished Service Cross, Air Force Cross, Coast Guard Cross, or a veteran who qualifies for a special license plate under subsection 1 of this section may apply to the director of revenue for a removable windshield placard at no cost to the veteran. Upon application, such veteran shall present proof to the director of his or her receipt of such award. Such placard shall be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side. 3. A local authority's compliance with this section is solely contingent upon the approval of its governing body. 4. This section does not exempt a vehicle displaying special license plates under section 301.145, 301.443, 301.451, 301.456, 301.3052, 301.3053, or 301.3075, or displaying a placard as provided in subsection 2 of this section, from compliance with any other state law or ordinance, including, but not limited to, vehicle height restrictions, zones that prohibit stopping, parking, or standing of all vehicles, parking time limitations, street sweeping, restrictions of the parking space to a particular type of vehicle, or the parking of a vehicle that is involved in the operation of a street vending business. 5. This section does not authorize a vehicle displaying special license plates under section 301.145, 301.443, 301.451, 301.456, 301.3052, 301.3053, or 301.3075, or displaying a placard as provided in subsection 2 of this section, to park in a state parking facility that is designated only for state employees. 6. This section does not authorize a vehicle displaying special license plates under section 301.145, 301.443, 301.451, 301.456, 301.3052, 301.3053, or 301.3075, or displaying a placard as provided in subsection 2 of this section, to park during time periods other than the normal business hours of, or the maximum time allotted by, a state or local authority parking facility. 7. This section does not require the state or a local authority to designate specific parking spaces for vehicles displaying special license plates under section 301.145, 301.443, 301.451, 301.456, 301.3052, 301.3053, or 301.3075, or displaying a placard as provided in subsection 2 of this section. ---------- (L. 2009 H.B. 400 § 304.840 merged with H.B. 427 § 304.840, A.L. 2017 S.B. 225)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.822 - Electronic communication device, use of while driving prohibited, when — citation of law — definitions — school bus operations, prohibited acts — inapplicability, when — penalties for violations — search of device, right to decline — preemption.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.822. Electronic communication device, use of while driving prohibited, when — citation of law — definitions — school bus operations, prohibited acts — inapplicability, when — penalties for violations — search of device, right to decline — preemption. —1. This section shall be known as the "Siddens Bening Hands Free Law". 2. As used in this section, the following terms shall mean: (1)"Commercial motor vehicle", the same

meaning as is ascribed to such term in section 302.700; (2)"Electronic communication device", a portable device that is used to initiate, receive, store, or view communication, information, images, or data electronically. (a) Such term shall include but not be limited to: cellular telephones; portable telephones; text-messaging devices; personal digital assistants; pagers; broadband personal communication devices; electronic devices with mobile data access; computers, including but not limited to tablets, laptops, notebook computers, and electronic or video game systems; devices capable of transmitting, retrieving, or displaying a video, movie, broadcast television image, or visual image; and any substantially similar device that is used to initiate or receive communication or store and review information, videos, images, or data. (b) Such term shall not include: radios; citizens band radios; commercial two-way radio communication devices or their functional equivalent; subscription-based emergency communication devices; prescribed medical devices; amateur or ham radio devices; or global positioning system receivers, security, navigation, communication, or remote diagnostics systems permanently affixed to the vehicle; (3)"Highway", the same meaning as is ascribed to such term in section 302.010; (4)"Noncommercial motor vehicle", the same meaning as is ascribed to such term in section 302.700; (5)"Operating", the actual physical control of a vehicle; (6)"Operator", a person who is in actual physical control; (7)"School bus", the same meaning as is ascribed to such term in section 302.700; (8)"Voice-operated or hands-free feature or function", a feature or function, whether internally installed or externally attached or connected to an electronic communication device, that allows a person to use an electronic communication device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe. 3. Except as otherwise provided in this section, while operating a noncommercial motor vehicle or commercial motor vehicle on any highway or property open to the public for vehicular traffic in this state, no operator shall: (1) Physically hold or support, with any part of his or her body, an electronic communication device; (2) Write, send, or read any text-based communication, including but not limited to a text message, instant message, email, or social media interaction on an electronic communication device. This subdivision shall not apply to operators of a noncommercial motor vehicle using a voice-operated or hands-free feature or function that converts the message to be sent as a message in a written form, provided that the operator does not divert his or her attention from lawful operation of the vehicle; (3) Make any communication on an electronic communication device, including a phone call, voice message, or one-way voice communication; provided however, that this prohibition shall not apply to use of a voice-operated or hands-free feature or function; (4) Engage in any form of electronic data retrieval or electronic data communication on an electronic communication device; (5) Manually enter letters, numbers, or symbols into any website, search engine, or application on an electronic communication device; (6) Watch a video or movie on an electronic communication device, other than watching data related to the navigation of the vehicle; or (7) Record, post, send, or broadcast video, including a video conference, on an electronic communication device, provided that this prohibition shall not apply to electronic devices used for the sole purpose of continually monitoring operator behavior by recording or broadcasting video within or outside the vehicle. 4. The operator of a school bus shall not use or operate an electronic communication device while the school bus is in motion unless the device is being used in a similar manner as a two-way radio to allow live communication between the operator and school officials or public safety officials. The operator of a school bus shall not use or operate an electronic communication device or a two-way radio while loading or unloading passengers. 5. This section shall not apply to: (1) Law enforcement officers or operators of emergency vehicles, as such term is defined in section 304.022, who are both using the electronic communication device and operating the emergency vehicle in the performance of their official duties; (2) Operators using an electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation; (3) Operators of noncommercial motor vehicles using an electronic communication device solely through a voice-operated or hands-free feature or function; (4) Operators of commercial motor vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law; (5) Operators of commercial motor vehicles reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide in size; (6) Operators using electronic communication devices while the vehicle is lawfully stopped or parked; (7) Commercial motor vehicles that are responding to a request for roadside assistance, when such response is conducted by a motor club as defined in section 385.450 or a towing company as defined in section 304.001; (8) The use of an electronic communication device to relay information between a transit or for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to the vehicle; (9) The use of an electronic communication device to access or view a map for navigational purposes; (10) The use of an electronic communication device to access or listen to an audio broadcast or digital audio recording; or (11) The use of an electronic communication device to relay information through a transportation network company's digital network to a transportation network company driver, provided the device is mounted or affixed to the vehicle. 6. (1) Except as otherwise provided in this subsection, violation of this section shall be an infraction. Penalties for violations of this section shall be as provided in this subsection. Prior convictions shall be pleaded and proven in the same manner as required under section 558.021. (2) For a conviction under this section where there is no prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to one hundred fifty dollars. (3) For a conviction under this section where there is one prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to two hundred fifty dollars. (4) For a conviction under this section where there are two or more prior convictions under this section in the preceding twenty-four months, the court shall impose a fine of up to five hundred dollars. (5) For a conviction under this section where the violation occurred in a work zone when workers are present, as such terms are defined in section 304.580, or for a conviction under this section where the violation occurred in an area designated as a school zone and marked in any way that would alert a reasonably prudent operator to the presence of the school zone, the court shall impose a fine of up to five hundred dollars. (6) A violation of this

section that is the proximate cause of damage to property in excess of five thousand dollars shall be a class D misdemeanor. (7) A violation of this section that is the proximate cause of serious physical injury to another person shall be a class B misdemeanor. (8) A violation of this section that is the proximate cause of the death of another person shall be a class D felony. (9) A violation of this section while operating a commercial motor vehicle shall be deemed a serious traffic violation, as such term is defined in section 302.700, for purposes of commercial driver's license disqualification under section 302.755. 7. A law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall inform the operator of the operator's right to decline a search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death. 8. A violation of this section shall not be used to establish probable cause for any other violation. 9. The provisions of this section shall be subject to the reporting requirements set forth in section 590.650. 10. The state preempts the field of regulating the use of electronic communication devices by the operators of commercial and noncommercial motor vehicles. The provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of electronic communication devices by the operator of a commercial or noncommercial motor vehicle. 11. Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall not issue a citation for a violation of this section and shall only issue a warning. 12. No person shall be stopped, inspected, or detained solely for a violation of this section. ---------- (L. 2023 S.B. 398)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.890 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.890. Definitions. —As used in sections 304.890 to 304.894, the following terms shall mean: (1)"Active emergency", any incident occurring on a highway, as the term highway is defined in section 302.010, that requires emergency services from any emergency responder; (2)"Active emergency zone", any area upon or around any highway, which is visibly marked by emergency responders performing work for the purpose of emergency response, and where an active emergency, or incident removal, is temporarily occurring. This area includes the lanes of highway leading up to an active emergency or incident removal, beginning within three hundred feet of visual sighting of: (a) Appropriate signs or traffic control devices posted or placed by emergency responders; or (b) An emergency vehicle displaying active emergency lights or signals; (3)"Emergency responder", any law enforcement officer, paid or volunteer firefighter, first responder, emergency medical worker, tow truck operator, or other emergency personnel responding to an emergency on a highway. ---------- (L. 2013 H.B. 103 merged with S.B. 282)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.892 - Violations, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.892. Violations, penalties. —1. Upon the first conviction, finding of guilt, or plea of guilty by any person for a moving violation, as the term moving violation is defined in section 302.010, or any offense listed in section 302.302, other than a violation described in subsection 2 of this section, when the violation or offense occurs within an active emergency zone, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of seventy-five dollars in addition to any other fine authorized by law. 2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a speeding violation under either section 304.009 or 304.010, or a passing violation under subsection 3 of this section, when the violation or offense occurs within an active emergency zone and emergency responders were present in such zone at the time of the offense or violation, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine under this subsection shall also be assessed an additional fine under subsection 1 of this section. 3. The driver of a motor vehicle shall not overtake or pass another motor vehicle within an active emergency zone. Violation of this subsection is a class C misdemeanor. 4. The additional fines imposed by this section shall not be construed to enhance the assessment of court costs or the assessment of points under section 302.302. ---------- (L. 2013 H.B. 103 merged with S.B. 282

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.894 - Offense of endangerment of an emergency responder, elements — penalties — revocation of driver's license, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.894. Offense of endangerment of an emergency responder, elements — penalties — revocation of driver's license, when. —1. A person commits the offense of endangerment of an emergency responder for any of the following offenses when the offense occurs within an active emergency zone: (1) Exceeding the posted speed limit by fifteen miles per hour or more; (2) Passing in violation of subsection 3 of section 304.892; (3) Failure to stop for an active emergency zone flagman or emergency responder, or failure to obey traffic control devices erected, or personnel posted, in the active emergency zone for purposes of controlling the flow of motor vehicles through the zone; (4) Driving through or around an active emergency zone via any lane not clearly designated for motorists to control the flow of traffic through or around the active emergency zone; (5) Physically assaulting, attempting to assault, or threatening to assault an

emergency responder with a motor vehicle or other instrument; or (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect emergency responders and motorists unless the action was necessary to avoid an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person. 2. Upon a finding of guilt or a plea of guilty for committing the offense of endangerment of an emergency responder under subsection 1 of this section, if no injury or death to an emergency responder resulted from the offense, the court shall assess a fine of not more than one thousand dollars, and four points shall be assessed to the operator's license pursuant to section 302.302 upon conviction. 3. A person commits the offense of aggravated endangerment of an emergency responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of this section when such offense results in the injury or death of an emergency responder. Upon a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment of an emergency responder, in addition to any other penalty authorized by law, the court shall assess a fine of not more than five thousand dollars if the offense resulted in injury to an emergency responder, and ten thousand dollars if the offense resulted in the death of an emergency responder. In addition, twelve points shall be assessed to the operator's license pursuant to section 302.302 upon conviction. 4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to have committed the offense of endangerment of an emergency responder except when the act or omission constituting the offense occurred when one or more emergency responders were responding to an active emergency. 5. No person shall be cited for, or found guilty of, endangerment of an emergency responder or aggravated endangerment of an emergency responder, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle, or from the negligence of another person or emergency responder. 6. (1) Notwithstanding any provision of this section or any other law to the contrary, the director of the department of revenue or his or her agent shall order the revocation of a driver's license upon its determination that an individual holding such license was involved in a physical accident where his or her negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder within an active emergency zone where the appropriate visual markings for active emergency zones were properly implemented. The department shall make its determination of these facts on the basis of the report of a law enforcement officer investigating the incident and this determination shall be final unless a hearing is requested and held as provided under subdivision (2) of this subsection. Upon its determination that the facts support a license revocation, the department shall issue a notice of revocation which shall be mailed to the person at the last known address shown on the department's records. The notice is deemed received three days after mailing unless returned by postal authorities. The notice of revocation shall clearly specify the reason and statutory grounds for the revocation, the effective date of the revocation which shall be at least fifteen days from the date the department issued its order, the right of the person to request a hearing, and the date by which the request for a hearing must be made. (2) An individual who received notice of revocation from the department under this section may seek reinstatement by either: (a) Taking and passing the written and driving portions of the driver's license examination, in which case the individual's driver's license shall be immediately reinstated; or (b) Petitioning for a hearing before a circuit division or associate division of the court in the county in which the emergency zone accident occurred. The individual may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state, and the director shall maintain possession of the person's license to operate a motor vehicle until the termination of any suspension under this subsection. The clerk of the court shall notify the prosecuting attorney of the county, and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only: a. Whether the person was involved in a physical accident where his or her vehicle struck an emergency responder within an active emergency zone; b. Whether the guidelines involving notice and signage were properly implemented in such emergency zone; and c. Whether the investigating officer had probable cause to believe the person's negligent acts or omissions substantially contributed to his or her vehicle striking an emergency responder. --If the court determines subparagraph a., b., or c. of this paragraph*not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive. (3) The department of revenue administrative adjudication to reinstate a driver's license that was revoked under this subsection, and any evidence provided to the department related to such adjudication, shall not be produced by subpoena or any other means and made available as evidence in any other administrative action, civil case, or criminal prosecution. The court's determinations issued under this section, and the evidence provided to the court relating to such determinations, shall not be produced by subpoena or any other means and made available in any other administrative action, civil case, or criminal prosecution. Nothing in this subdivision shall be construed to prevent the department from providing information to the system authorized under 49 U.S.C. Section 31309, or any successor federal law, pertaining to the licensing, identification, and disqualification of operators of commercial motor vehicles. ---------- (L. 2013 H.B. 103 merged with S.B. 282, A.L. 2019 H.B. 499 merged with S.B. 89) *Word "subdivision" appears here in original rolls of S.B. 89, 2019.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 304 - Traffic RegulationsSection 304.900 - Personal delivery devices, authority to operate — definitions — requirements — insurance — lighting equipment required, when — personally identifiable likeness, sale of prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 304 304.900. Personal delivery devices, authority to operate — definitions — requirements — insurance — lighting equipment required, when — personally identifiable likeness, sale of prohibited. —1. As used in this section, the following terms mean: (1)"Agent", a person given the responsibility, by an entity, of

navigating and operating a personal delivery device; (2)"Personal delivery device", a powered device operated primarily on sidewalks and crosswalks, intended primarily for the transport of property on public rights-of-way, and capable of navigating with or without the active control or monitoring of a natural person. Notwithstanding any other provision of law, a personal delivery device shall not be defined as a motor vehicle or a vehicle; (3)"Personal delivery device operator", an entity or its agent that exercises physical control or monitoring over the navigation system and operation of a personal delivery device. A personal delivery device operator does not include an entity or person that requests or receives the services of a personal delivery device for the purpose of transporting property or an entity or person who merely arranges for and dispatches the requested services of a personal delivery device. 2. Notwithstanding any other provision of law, a personal delivery device is authorized to operate in this state: (1) On any sidewalk or crosswalk of any county or municipality in the state; and (2) On any roadway of any county or municipality in the state, provided that the personal delivery device shall not unreasonably interfere with motor vehicles or traffic. 3. A personal delivery device shall: (1) Not block public rights-of-way; (2) Obey all traffic and pedestrian control signals and devices; (3) Operate at a speed that does not exceed a maximum speed of ten miles per hour on a sidewalk or crosswalk; (4) Contain a unique identifying number that is displayed on the device; (5) Include a means of identifying the personal delivery device operator; and (6) Be equipped with a system that enables the personal delivery device to come to a controlled stop. 4. Subject to the requirements of this section, a personal delivery device operating on a sidewalk or crosswalk shall have all the responsibilities applicable to a pedestrian under the same circumstances. 5. A personal delivery device shall be exempt from motor vehicle registration requirements. 6. A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of at least one hundred thousand dollars for damages arising from the combined operations of personal delivery devices under a personal delivery device operator's control. 7. If the personal delivery device is being operated between sunset and sunrise, it shall be equipped with lighting on both the front and rear of the personal delivery device visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device. 8. A personal delivery device shall not be used for the transportation of hazardous material regulated under the Hazardous Materials Transportation Act, 49 U.S.C. Section 5103, and required to be placarded under 49 CFR Part 172, Subpart F. 9. Nothing in this section shall prohibit a political subdivision from regulating the operation of personal delivery devices on a highway or pedestrian area to ensure*the welfare and safety of its residents. However, political subdivisions shall not regulate the design, manufacture and maintenance of a personal delivery device nor the types of property that may be transported by a personal delivery device. Additionally, no political subdivision shall treat personal delivery devices differently for the purposes of assessment and taxation or other charges from personal property that is similar in nature. 10. A personal delivery device operator may not sell or disclose a personally identifiable likeness to a third party in exchange for monetary compensation. For purposes of this section, a"personally identifiable likeness"includes photographic images, videos, digital image files, or other digital data that can be used to either directly or indirectly identify an individual. Personally identifiable likeness does not include aggregated or anonymized data. The use of any personally identifiable likeness by a personal delivery device operator to improve their products and services is allowed under this section. Information that would otherwise be protected under this section as confidential shall only be provided to a law enforcement entity with a properly executed, lawful subpoena. ---------- (L. 2021 S.B. 176) *Word "insure" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.010 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.010. Definitions. —1. In sections 305.010 to 305.110"aircraft"includes balloon, airplane, hydroplane, and every other vehicle used for navigation through the air. 2. A hydroplane while at rest on water and while being operated on or immediately above water shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water it shall be treated as an aircraft. 3."Aeronaut"includes aviator, pilot, balloonist, and every other person having any part in the operation of aircraft while in flight. 4."Passenger"includes any person riding in aircraft but having no part in its operation. ---------- (RSMo 1939 § 15106) Prior revision: 1929 § 13905

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.020 - Ownership of space.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.020. Ownership of space. —The ownership of the space above the lands and waters of this state is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in section 305.030. ---------- (RSMo 1939 § 15107) Prior revision: 1929 § 13906

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.030 - Lawful flight — unlawful landing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.030. Lawful flight — unlawful landing. —Flight in aircraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another, without his consent, is unlawful, except in the case of a forced landing. ---------- (RSMo 1939 § 15108) Prior revision: 1929 § 13907

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.040 - Liability of aircraft owner determined by tort law.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.040. Liability of aircraft owner determined by tort law. —The liability of the owner of one aircraft, to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land. ---------- (RSMo 1939 § 15109) Prior revision: 1929 § 13908 (1959) The usual rules applicable to torts apply to aviation accidents, and there is no mandatory requirement that the standard of care be established by expert testimony. Arrow Aviation Inc. v. Moore, 266 F.2d 488.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.050 - Laws of state to govern.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.050. Laws of state to govern. —All crimes, torts and other wrongs committed by or against an aeronaut or passenger while in flight over this state shall be governed by the laws of this state; and the question whether damage occasioned by or to an aircraft while in flight over this state constitutes a tort, crime or other wrong by or against the owner of such aircraft shall be determined by the laws of this state. ---------- (RSMo 1939 § 15110) Prior revision: 1929 § 13909

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.060 - Contractual and other relations entered while in flight, effect of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.060. Contractual and other relations entered while in flight, effect of. —All contractual and other legal relations entered into by aeronauts or passengers while in flight over this state shall have the same effect as if entered into on the land or water beneath. ---------- (RSMo 1939 § 15111) Prior revision: 1929 § 13910

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.070 - Uniform construction and interpretation of law.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.070. Uniform construction and interpretation of law. —Sections 305.010 to 305.110 shall be so interpreted and construed as to effectuate its general purpose and to make uniform the law of those states which enact it and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics. ---------- (RSMo 1939 § 15116) Prior revision: 1929 § 13915 (1957) Air traffic rules of Federal Civil Aeronautics Board held properly considered in determining negligence but violation thereof is not negligence as matter of law. Court indicated judicial notice might be taken of such rules and that trial court had discretion to permit reading same in evidence. Hough v. Rapidair Inc. (Mo.), 298 S.W.2d 378.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.080 - Certain acts a misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.080. Certain acts a misdemeanor. —Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this state, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall, except while in landing or taking off, fly at such low level as to endanger the persons on the surface beneath, or drop any object except water or loose sand ballast, shall be deemed guilty of a misdemeanor. ---------- (RSMo 1939 § 15112) Prior revision: 1929 § 13911

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.090 - Tampering with aircraft — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.090. Tampering with aircraft — penalty. —Any person who shall tamper with any aircraft, or put into motion the engine of such aircraft without the permission of the owner shall be punished by imprisonment in the penitentiary for a period not to exceed five years or by imprisonment in a county jail for a period not to exceed one year or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment. ---------- (RSMo 1939 § 15113, A.L. 1959 H.B. 152) Prior revision: 1929 § 13912

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.100 - Tampering with airport a misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.100. Tampering with airport a misdemeanor. —Any person who shall interfere or tamper with any airdrome, flying field or airway, or the lights, markers or other equipment thereof, shall be deemed guilty of a misdemeanor. ---------- (RSMo 1939 § 15114) Prior revision: 1929 § 13913

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.110 - Leaving aircraft running — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.110. Leaving aircraft running — penalty. —Any person who shall leave any aircraft with its engine running, and unoccupied by a person able to control the same, and without blocking the same in such manner as to prevent such aircraft from moving, shall be deemed guilty of a misdemeanor. ---------- (RSMo 1939 § 15115) Prior revision: 1929 § 13914

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.120 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.120. Definitions. —As used in sections 305.120 to 305.270, the following terms mean: (1)"Aeronautics"includes the art and science of flight; aviation; the construction, operation, navigation of aircraft and all component parts thereof; air navigation aids, such as markings, lighting, electric and electronic devices that transmit or receive visual, audible or electronic signals, sounds or displays; navigation and piloting; and also includes airports and the planning, design, construction, repair, improvement, or maintenance thereto or any part thereof; and the dissemination of information and instruction pertaining to all of the foregoing; (2)"Aircraft", any device now known or hereafter invented, used or designed for navigation of or flight through the air; (3)"Airman", a person, including the person in command of an aircraft or a pilot, mechanic, or member of the crew, who engages in the navigation of an aircraft while under way; (4)"Airman certificate", a certificate issued to an airman pursuant to 49 U.S.C. 44702; (5)"Airport", an area on land or water that is used or intended to be used for the landing and takeoff of aircraft including buildings, equipment, facilities, rights-of-way, property and appurtenant areas; (6)"Airport authority", an entity established in accordance with state law which may plan for, acquire, construct, operate, and maintain an airport or airports as a political subdivision within this state; (7)"Pilot", any person licensed to operate aircraft; (8)"Political subdivision", any county, city, town, village or other political entity having the authority to tax and to exercise the power of eminent domain; (9)"Runway", a defined rectangular area on a land airport prepared specifically for the landing and takeoff of aircraft. ---------- (RSMo 1939 § 15117, A.L. 1991 S.B. 6, A.L. 2002 S.B. 701) Prior revision: 1929 § 13916

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.125 - Refusal to submit to test, effect, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.125. Refusal to submit to test, effect, penalties. —If a person refuses upon the request of the officer to submit to a chemical test under section 577.041, then no test shall be given. Any refusal to submit to a test shall be an infraction which may be punished by a fine of up to one thousand dollars. The officer shall inform the person that his or her failure to submit to the test may result in a fine and administrative penalties by the Federal Aviation Administration. ---------- (L. 1993 H.B. 562 § 10 subsec. 1, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.217; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.126 - Positive test results, test refusals and convictions of violations to be reported to the Federal Aviation Administration.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.126. Positive test results, test refusals and convictions of violations to be reported to the Federal Aviation Administration. —Whenever a person operating an aircraft or acting as a flight crew member of any aircraft has a positive chemical test under chapter 577 or refuses a chemical test under section 577.041, the test result and refusal shall be reported by law enforcement agencies to the Federal Aviation Administration. If a person pleads guilty to or is found guilty of a violation of sections 577.015 and 577.016, a report of the conviction shall be forwarded by the court in which the conviction occurred to the Federal Aviation Administration. ---------- (L. 1993 H.B. 562 § 10 subsec. 2, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.221; Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.130 - Unlawful to operate without an airman certificate and certificate of airworthiness.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.130. Unlawful to operate without an airman certificate and certificate of airworthiness. —It shall be unlawful for any person to operate any aircraft within this state in carrying a passenger or passengers, or any property, or in the prosecution of a business or commercial enterprise, or for instruction in the art of flying, without an*airman certificate for such purposes issued by the Federal Aviation Administration, and without a valid certificate of airworthiness for such aircraft issued by the Federal Aviation Administration. ---------- (RSMo 1939 § 15118, A.L. 2002 S.B. 701) Prior revision: 1929 § 13917 *Word "a" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.140 - Airman certificate to be kept in personal possession.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.140. Airman certificate to be kept in personal possession. —The airman certificate and certificate of airworthiness required by sections 305.120 to 305.160 shall be kept in the personal possession of the licensee when operating aircraft within this state, and must be presented for inspection upon the demand of any passenger, or any peace officer, or any official, manager or person in charge of any airport, or landing field in this state upon which he shall land. ---------- (RSMo 1939 § 15119, A.L. 2002 S.B. 701) Prior revision: 1929 § 13918

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.150 - Exceptions to license requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.150. Exceptions to license requirements. —The provisions of sections 305.120 to 305.160 shall not apply to public aircraft owned by, or to pilots in the service of, the government of the United States, or the state of Missouri. ---------- (RSMo 1939 § 15121) Prior revision: 1929 § 13920

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.160 - Violation of law a misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.160. Violation of law a misdemeanor. —Any person who violates any provision of sections 305.120 to 305.160 shall be guilty of a misdemeanor. ---------- (RSMo 1939 § 15120) Prior revision: 1929 § 13919

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.170 - Operation of airports by cities.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.170. Operation of airports by cities. —The local legislative body of any city, including cities under special charter, village or town in this state is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, in whole or in part, alone or jointly or concurrently with others, airports or landing fields for the use of airplanes and other aircraft either within or without the limits of such cities, villages, or towns, and may use for such purpose or purposes any property suitable therefor that is now or may at any time hereafter be owned or controlled by such city, village, or town. ---------- (RSMo 1939 § 15122) Prior revision: 1929 § 13921

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.180 - Operation of airports by counties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.180. Operation of airports by counties. —The county commission of any county in this state is hereby authorized after a hearing to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate, in whole or in part, alone or jointly or concurrently with others, airports or landing fields for the use of airplanes and other aircraft within the limits of such counties, and may use for such purpose or purposes any property suitable therefor, that is now or may at any time hereafter be owned or controlled by such county. ---------- (RSMo 1939 § 15123) Prior revision: 1929 § 13922

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.190 - Declaration of acquisition of land a public necessity.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.190. Declaration of acquisition of land a public necessity. —Any lands acquired, owned, controlled or occupied by such cities, villages, towns or counties for the purposes enumerated in sections 305.170 and 305.180 hereof shall and are hereby declared to be acquired, owned, controlled, and occupied for a public purpose and as a matter of public necessity, and such cities, villages, towns, or counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public necessity. ---------- (RSMo 1939 § 15124) Prior revision: 1929 § 13923

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.200 - Acquisition of property — definition — issuance of bonds.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.200. Acquisition of property — definition — issuance of bonds. —1. Any county, city or city under special charter shall have the power to acquire by purchase, property for an airport or landing field or addition thereto, and if unable to agree with the owners on the terms thereof, may acquire such property by condemnation in the manner provided by law under which such county or city is authorized to acquire real property for public purposes, or if there be no such law, then in the same manner as is now provided by law for the condemnation of property by any railroad corporation. 2. The term"property"as used in this section shall mean and include any real and personal property whether privately or publicly owned or any easement or use therein, including, but not by way of limitation, property owned by school districts, water districts, fire districts, road districts, sewer districts, drainage districts, levee districts, railroads, and property both real and personal owned by any other corporation and shall include churches, graveyards, graveyard associations, parks, private roads, bridges, culverts, pipelines, waterlines, water reservoirs or storage tanks, canals, ditches, and levees, railroads or other

rights-of-way, streetcar or traction lines and tracks, telegraph, telephone and power lines, poles and conduits and including state roads or roads under the jurisdiction of the state highways and transportation commission. 3. The purchase price or the award of compensation or damages for the taking of any real or personal property or any easement or use therein acquired for an airport or a landing field or any addition thereto may be paid for wholly or in part from the proceeds of the sale of bonds of such county, city or city under special charter as the governmental or legislative body of such county, city or city under special charter shall determine, subject, however, to the adoption of a proposition therefor at any election to be held in such county, city or city under special charter for such purpose; also to permit said municipality or municipalities mentioned in this section to issue revenue bonds for said above mentioned purpose on authority of the governing body of said municipality; provided, that no airport or landing field shall be established or located in any county, city or city under special charter in violation of any plan or master airport plan or zoning regulation restricting the location of an airport or landing field adopted by the planning commission of any such county, city or city under special charter. ---------- (RSMo 1939 § 15125, A.L. 1943 p. 326) Prior revision: 1929 § 13924 (2000) Adding of additional runways to existing airport, and expansion of existing facilities of such airport, is not deemed an establishment of new landing field or of new airport. City of Bridgeton v. City of St. Louis, 18 S.W.3d 107 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.205 - Revenue bonds authorized, first class counties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.205. Revenue bonds authorized, first class counties. —The governing body of any county of the first class is authorized to pay the purchase price or the award of compensation or damages, as provided for in section 305.200, by the issuance of revenue bonds for the taking of any real or personal property or any easement or use thereof for an airport or a landing field or an addition thereto or for any improvement or improvements on the airport, landing field, or any addition thereto. ---------- (L. 1981 S.B. 39)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.210 - Manner of operating airports — fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.210. Manner of operating airports — fees. —The local legislative body of a city, including cities under special charter, village, town or county which has established an airport or landing field and acquired, leased, or set apart real property for such purpose may construct, improve, equip, maintain, and operate the same, or may vest jurisdiction for the construction, improvement, equipment, maintenance, and operation thereof, in any suitable officer, board or body of such city, village, town or county, or may by franchise or contract authorize others, in whole or in part, to construct, equip, maintain, and operate the same. The expense of such construction, improvement, equipment, maintenance and operation shall be a city, village, town or county charge, in whole or in part, as the case may be. The local legislative body of a city, village, town, or county may adopt regulations and establish fees for charges for the use of such airport or landing field. ---------- (RSMo 1939 § 15126) Prior revision: 1929 § 13925

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.220 - Authority to appropriate money.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.220. Authority to appropriate money. —The local authorities of a city, including cities under special charter, village, town or county to which sections 305.170 to 305.220 are applicable having power to appropriate money therein may annually appropriate a sum sufficient to carry out the provisions of sections 305.170 to 305.220. ---------- (RSMo 1939 § 15127) Prior revision: 1929 § 13926

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.230 - Aeronautics program, highways and transportation commission to administer — purposes — aviation trust fund, administration, uses — appropriation — immediate availability of funds in the event of a disaster.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.230. Aeronautics program, highways and transportation commission to administer — purposes — aviation trust fund, administration, uses — appropriation — immediate availability of funds in the event of a disaster. —1. The state highways and transportation commission shall administer an aeronautics program within this state. The commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes. 2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority. 3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a

reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080 relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund. 4. The moneys in the aviation trust fund shall be administered by the commission and, when appropriated, shall be used for the following purposes: (1) As matching funds on an up to ninety percent state/ten percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local: (a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same; (b) For the acquisition of land for the development and improvement of airports; (c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas; (d) For the construction, or restoration of runways, taxiways, or aircraft parking areas; (e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements; (f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas; (g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment; (h) For the erection of fencing on or around the perimeter of an airport; (i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment; (j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics; (k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans, airport layout plans, airport business plans, and strategic plans at existing airports; (l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport; (m) If at least four million five hundred thousand dollars is deposited into the aviation trust fund in the previous calendar year, funds may be spent for the study or promotion of expanded domestic or international scheduled commercial service, the study or promotion of intrastate scheduled commercial service, the promotion of aviation in the state, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service, subject to the following provisions: a. No more than two million dollars may be spent from the aviation trust fund for the purposes provided in this paragraph in any calendar year; and b. The commission shall be required to expend at least four million dollars of the annual, calendar year deposits into the aviation trust fund for purposes other than the purposes described in this paragraph; (2) As total funds, with no local match: (a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public; (b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the commission; (c) For the conducting of aviation safety workshops; (d) For the promotion of aerospace education; (3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the United States Department of Defense, except no more than one hundred sixty-seven thousand dollars per year may be used for any individual control tower; (4) As total funds with a local match, up to five hundred thousand dollars per year may be used for air traffic control towers partially funded by the federal government under a cost-share program. Any expenditures under this program require a nonfederal match, comprised of a ratio of fifty percent state and fifty percent local funds. No more than one hundred thousand dollars per year may be expended for any individual control tower. 5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the commission. For projects designated as emergencies by the commission, all requirements relating to normal procurement of engineering and construction services are waived. 6. As used in this section, the term"instrumentality of the state"shall mean any state educational institution as defined in section 176.010 or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport. ---------- (L. 1945 p. 1315 § 1, A.L. 1965 p. 501, A.L. 1971 S.B. 351, A.L. 1978 H.B. 1116 & 1117, A.L. 1985 S.B. 145 & 166, A.L. 1986 S.B. 550, A.L. 1991 S.B. 6, A.L. 1998 S.B. 619, A.L. 2002 H.B. 1196, A.L. 2005 S.B. 396, A.L. 2008 S.B. 930 & 947, A.L. 2014 H.B. 2141 merged with S.B. 818) Effective 8-28-14 (S.B. 818); 1-01-16 (H.B. 2141) CROSS REFERENCE: Aviation trust fund, created, 155.090

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.233 - Technical advice, who shall give — approved airport design maintained.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.233. Technical advice, who shall give — approved airport design maintained. —1. The department of transportation may provide free technical advice in planning, constructing, and operating a public airport to any city, town or*county operating or proposing to operate an airport. In order to insure compatibility with and maximum participation in federal programs for the operation and improvement of airports, the department shall provide technical representation, promotion, planning and engineering advice to the cities, towns or*counties for the advancement of an aviation program, and in order to insure effective and efficient use of state funds to aid the cities, towns and counties in the operation, construction and improvement of airports shall develop and maintain a state airport plan. 2. The department shall also develop and maintain an "approved airport design" using standard design criteria to assure the safety and well-being of the airport user and the best uses of state and local funds. ---------- (L. 1971 S.B. 351) *Word "or" does not appear in

original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.234 - Department of transportation to provide assistance, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.234. Department of transportation to provide assistance, when. —Pursuant to the stated intent of section 305.233, any city, town or county individually or jointly with any other city, town or county planning to build, develop, improve or expand a public airport shall channel such request through the state department of transportation. Provided further, that land airports serving Civil Aeronautics Board certificated air carriers and so certificated under CFR14 Part 139 are exempt from the requirements of channelization supra; but may request the state department of transportation to provide such service. The department of transportation is authorized to cooperate with the government of the United States and any agency or department thereof, in the acquisition, construction, improvement, maintenance and operation of airports and other navigation facilities in this state and to comply with the provisions of the laws of the United States and any regulations made thereunder for the expenditure of federal money upon such airports and other navigation facilities. ---------- (L. 1978 H.B. 1116 & 1117)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.237 - Transportation department to accept federal and other moneys for air facilities.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.237. Transportation department to accept federal and other moneys for air facilities. —The department of transportation is authorized to accept and receive federal moneys, and other moneys, either public or private, for or on behalf of the state, or the political subdivisions of the state at the request of such political subdivisions, for the acquisition, construction, development, improvement, operation and maintenance of airports or other air navigation facilities in the state upon such terms and conditions as are or may be prescribed by the laws of the United States. ---------- (L. 1989 S.B. 448 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.238 - Political subdivision funding air facilities with federal grants may request department to act as agent — laws and rules governing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.238. Political subdivision funding air facilities with federal grants may request department to act as agent — laws and rules governing. —1. The department of transportation is authorized to act as agent of any political subdivision of the state upon the request of such political subdivision in accepting and receiving federal grant moneys for airports or other air navigation purposes, and in contracting for the acquisition, construction, development, improvement, operation and maintenance of airports or other air navigation facilities in this state, financed either in whole or in part by federal moneys. 2. The governing body of any political subdivision is authorized to designate the department as its agent for such purposes and to enter into an agreement with it prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations and with sections 305.170 to 305.270. 3. Moneys paid over by the United States government shall be retained by the state or paid over to such political subdivisions under such terms and conditions as may be imposed by the United States government in making such grants. ---------- (L. 1989 S.B. 448 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.239 - Contracts for air facilities with federal funding, laws and rules governing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.239. Contracts for air facilities with federal funding, laws and rules governing. —All contracts for the acquisition, construction, development, improvement, operation and maintenance of airports, or other air navigation facilities, made by the department of transportation, either as the agent of the state or the agent of any political subdivision, shall be made pursuant to the laws of the state governing the making of such contracts, except that, where the acquisition, construction, development, improvement, operation and maintenance of any airport or other air navigation facility is financed wholly or partially with federal money, the department, as agent of the state or any political subdivision thereof, may let contracts in the manner prescribed by federal authorities, acting under the laws, rules or regulations of the United States, and in the manner prescribed by the charters of the charter cities of the state, notwithstanding any provision of state law to the contrary. ---------- (L. 1989 S.B. 448 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.240 - Establishment of air facilities in adjoining state.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.240. Establishment of air facilities in adjoining state. —This state or the governing body of any political subdivision of this state is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate airports, or restricted landing areas, or other air navigation facilities in an adjoining state whose laws permit, subject to the laws of such state, but subject to the laws of this state in all matters relating to financing such projects. ---------- (L. 1947 V. II p. 334 § 1)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.250 - Adjoining state may establish air facilities.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.250. Adjoining state may establish air facilities. —An adjoining state or political subdivision thereof, if the laws of such state permit, is hereby authorized to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate airports, or restricted landing areas, or other air navigation facilities in this state, subject to all laws, rules and regulations of this state applicable to such aeronautical facilities, but subject to the laws of its own state in all matters relating to financing such projects. ---------- (L. 1947 V. II p. 334 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.260 - Rights and privileges of adjoining state.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.260. Rights and privileges of adjoining state. —Such adjoining state or political subdivision thereof shall have all the rights, privileges, and duties of like political subdivisions of this state, except the right to exercise eminent domain. ---------- (L. 1947 V. II p. 334 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.270 - Dependent upon reciprocity by adjoining state.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.270. Dependent upon reciprocity by adjoining state. —Sections 305.240 to 305.270 shall not apply unless the laws of such adjoining state shall permit this state and its political subdivisions to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate airports, or restricted landing areas, or other air navigation facilities therein, with all privileges, rights and duties applicable to such aeronautical projects in such adjoining state. ---------- (L. 1947 V. II p. 334 § 4)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.295 - Establishment of an airport authority by an eligible entity, jurisdiction.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.295. Establishment of an airport authority by an eligible entity, jurisdiction. —Whenever the fiscal body of one or more eligible entities, acting individually or jointly, adopts an ordinance or a resolution in favor of the establishment of an airport authority under this chapter*, there is established an airport authority. The authority has jurisdiction over a district with boundaries conterminous with the jurisdictional boundaries of the entity or entities adopting the ordinance or resolution. The authority must have a name including the words "airport authority". ---------- (L. 2012 S.B. 628 § 1) *Original rolls of SB 628 numbered this section as "Section 1". This section was assigned to Chapter 305 by the Revisor under section 3.060.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.300 - County airport authority, procedure to establish.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.300. County airport authority, procedure to establish. —The governing body of any county may create an airport authority to build or acquire and operate one or more airports within the boundaries of the county or an adjoining county. The authority shall be created by resolution of the governing body not sooner then ten days after public notice is posted at the courthouse announcing the intention of forming such a body. ---------- (L. 1985 S.B. 145 & 166 § 2 subsec. 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.304 - Boards of directors — number of members, terms — election — election not required when — certain exceptions, St. Charles County — expenses — meetings — officers, terms.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.304. Boards of directors — number of members, terms — election — election not required when — certain exceptions, St. Charles County — expenses — meetings — officers, terms. —1. (1) The authority shall be governed by an elected seven-member board of directors, except as provided in subdivision (2) of this subsection. The seven directors shall be elected at large by the qualified voters of the county at the first municipal election following the creation of the authority, provided that, the authority is created at a time prior to such election sufficient to allow the notice requirement of section 115.125 to be met. Otherwise, the directors shall be elected at the following municipal election. The two directors receiving the highest total number of votes shall serve terms of six years. From among the remaining directors, the three receiving the next highest total number of votes shall be elected for terms of four years. The remaining directors shall be elected for terms of two years. Thereafter, all directors shall serve terms of four years. All directors shall serve until their successors are elected and qualified. None shall hold any other public office. Notwithstanding any other provision of law to the contrary, if the number of candidates is no greater than the number of directors to be elected, no election shall be held, and the candidate or candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. (2) In any first class county which does not have a charter form of government and which adjoins a first class county having

a charter form of government and not containing all or part of a city with a population of more than three hundred thousand, and not more than one second class county, the authority shall be governed by a five-member board of directors. Such directors shall be elected as provided in subdivision (1) of this subsection, except that, the two directors receiving the highest total number of votes shall serve terms of six years. From among the remaining directors, the two receiving the highest total number of votes shall be elected for terms of four years and the remaining director shall serve a term of two years. Thereafter, all directors shall serve terms of four years. All directors shall serve until their successors are elected and qualified. None shall hold any other public office. 2. Directors shall not be compensated for services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties from funds of the authority. 3. The board of directors shall meet and organize within sixty days after the election, and shall select one member to be chairman and another to be vice chairman, which officers shall be selected every two years. 4. In any county which has adopted the provisions of sections 305.300 to 305.333 prior to May 6, 1986, an election of directors shall be conducted as provided in this section. All directors appointed under prior law shall serve until their successors are elected and qualified. ---------- (L. 1985 S.B. 145 & 166 § 2 subsecs. 2 to 4, A.L. 1986 S.B. 550, A.L. 1989 S.B. 193) Effective 2-01-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.307 - Powers of board — condemnation authorized.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.307. Powers of board — condemnation authorized. —1. The authority shall be a body corporate and a political subdivision of the county wherein established. It may sue and be sued, and its actions are declared to be for a public purpose. 2. The authority may exercise any of the following governmental powers, including the power of eminent domain within the county which created the authority, and all other powers necessary, incidental, convenient or desirable to carry out and effectuate the express powers. The power of eminent domain may be exercised only in the acquisition of lands adjacent to the existing airport. It may: (1) Acquire by purchase, lease or otherwise, for the purpose of establishing and constructing one or more airports, any land or water lying anywhere within its designated area; (2) Acquire by purchase, lease or otherwise any airport or airports located within its designated area, and may assume and pay, or guarantee the payment of, the principal and interest of any bonds secured by any such airport, provided that: (a) The rentals payable on any lease of any such airport shall be payable only from any part or all of the income and revenues derived from the airport, any other authority airport or airports, any related facilities of any such airport, or any other property owned by the authority or from any two or more of such sources, and the payment of such rentals may be secured by a pledge of any part or all of any such income or revenues; (b) Any such assumption or guaranty of the principal and interest of any bonds secured by any such airport, the related facilities thereof, any other authority airport or airports and their respective related facilities, any other authority property, or from the proceeds derived from the sale of bonds authorized to be issued by the authority pursuant to section 305.315 which are issued for the purpose of refunding any such bonds so assumed or guaranteed or any two or more of the foregoing sources; and (c) Any such lease, assumption or guaranty shall state on its face that it does not constitute a debt of the authority or the state of Missouri within the meaning of the constitution and the statutes of the state of Missouri; (3) Plan for, establish, acquire by purchase, lease or otherwise, construct, reconstruct, expand, improve and maintain related facilities for any authority airport; (4) Acquire by purchase, lease or otherwise, any land or water lying within its designated area, and within one mile of the boundaries of any proposed or existing authority airport, and may plan for, establish, construct, reconstruct, expand, improve and maintain related facilities which the authority deems necessary or appropriate; (5) Enter into leases or agreements for the operation by the authority of any airport or airports located in its designated area and any part or all of the related facilities thereof; (6) Require the removal or relocation of all buildings, railroads, mains, pipes, conduits, wires, poles and other structures, facilities and equipment which may interfere with the location, operation, expansion or improvement of any proposed or existing authority airport or with the safe approach to or takeoff from any such airport by aircraft; but if the authority shall determine that it is necessary that any such facilities be relocated or removed entirely from any present or proposed authority airport, the person owning or operating such facilities shall relocate or remove the same in accordance with the order of the authority and all costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any other rights acquired to accomplish such relocation or removal shall be ascertained and paid by the authority as a part of the cost of any such present or proposed authority airport; and further, there shall be no rent, fee or other charge of any kind imposed upon the person owning or operating any facilities ordered relocated on the properties of the authority and the authority shall grant to the person owning or operating the facilities and his successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as he had the right to maintain and operate such facilities in their former location or locations; (7) Receive and expend any funds from the state of Missouri, or any political subdivision thereof, which may be appropriated to further airport purposes. ---------- (L. 1985 S.B. 145 & 166 § 3, A.L. 1986 S.B. 550) Effective 5-06-86

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.310 - Additional powers, competitive bids required, when — approval by authority of all transactions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.310. Additional powers, competitive bids required, when — approval by authority of all transactions. —1. The authority may operate any authority airport and may charge and collect rents, rates or other compensation for any use thereof or for any service rendered by the authority in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as the authority shall determine, which terms may begin in

futuro, provided that, subject to the capacity thereof, the landing field, landing strips, and services of any authority airport shall be available to any person without unjust or unreasonable discrimination as to services and charges for landing and takeoff by any aircraft. 2. The authority may grant to any person concessions or privileges in any part of any authority airport, other than the landing field and landing strips, and any related facilities for the control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving, discharging, sheltering, feeding and supplemental transportation of passengers, the parking of motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose reasonably incident to any of the foregoing, provided that any leases and any grants of concessions or privileges may be for such terms, not exceeding twenty years, as the authority shall determine, and any such term may begin in futuro. 3. The authority may regulate, to the extent not regulated by federal law or regulations, the navigation of aircraft over any authority airport and the perimeter area of such airport, the approach of aircraft to and their takeoff from any authority airport, and the use of any airport or related facilities so as to be consistent with the safe and efficient operation of the airport. 4. No city, town, county, or other political subdivision, located within the authority boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for operation or maintenance, or otherwise convey, its airport to or with any other state, authority or political subdivision without the prior approval of the county airport authority. 5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds, wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based on competitive bids. The authority shall advertise for bids in at least one newspaper of general circulation in the area served by the authority at least five days before bids for the purchases, rentals, or leases are to be opened. All bids shall be mailed or delivered to the office of the authority so as to reach it before the time set for opening bids. The purchase shall be let to the lowest and best bidders. The authority may reject the bids and advertise for new bids. Purchases where the estimated expenditure is less than one thousand dollars may be made without the securing of bids. ---------- (L. 1985 S.B. 145 & 166 § 4)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.312 - Additional powers of authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.312. Additional powers of authority. —1. The authority may also: (1) Enter into contracts regarding any matter connected with any purpose within the objects and purposes of sections 305.300 to 305.333; (2) Employ agents and employees necessary to carry out the duties and purposes of the authority; (3) Adopt all necessary bylaws, rules and regulations for the conduct of the business and affairs of the authority, and for the management and use of facilities and sites acquired under the powers granted by sections 305.300 to 305.333; (4) Have and use a common seal and alter the same at pleasure; (5) Secure grants or loans, or both, from the United States government, or any agency thereof, for financing the establishment and construction of any airport, related facility, or any part of any of the foregoing authorized by sections 305.300 to 305.333. For such purposes the authority may issue and sell or pledge to the United States government, or any agency thereof, all or any part of the revenue bonds authorized under sections 305.315, 305.317 and 305.320, and may execute contracts and documents and do all things that may be required by the United States government, or any agency thereof, provided that such contract and documents do not conflict with the provisions of any resolution authorizing and securing the payment of outstanding bonds of the authority theretofore issued that are payable from the revenues derived from the operation of any authority airport, and related facility. 2. Nothing in this section or in any other provision of sections 305.300 to 305.333 shall be construed to authorize the authority to establish or enforce any regulation or rule in respect to the operations or maintenance of its airports and related facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter. ---------- (L. 1985 S.B. 145 & 166 § 8)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.315 - Bond issues authorized — interest rate — price of bonds — required provisions — refunding bonds, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.315. Bond issues authorized — interest rate — price of bonds — required provisions — refunding bonds, requirements. —1. The authority may from time to time issue bonds in anticipation of its income and revenues from any one or more authority airports and related facilities to accomplish any of the purposes of sections 305.300 to 305.333, and to refund such bonds, or any bonds assumed or guaranteed pursuant to the provisions of sections 305.300 to 305.333. Such bonds shall be authorized by resolution and may be issued in one or more series, may bear such dates, mature at such time or times, bear interest at such rates, not exceeding the maximum amount allowed by law, payable semiannually, be in such form, be executed in such manner, including the use of facsimile signatures and seals, be payable in such medium of payment, at such places, be subject to such terms of redemption, with or without premium, and may be made registrable as to principal or as to both principal and interest, as the authority by resolution may provide. Any bonds issued hereunder may be issued in denominations of five thousand dollars or any multiple thereof. The bonds shall have all the qualities of negotiable paper within the meaning of such term as used in the laws of this state. The bonds shall be sold at a price, so that the interest cost of the proceeds thereof shall not exceed the maximum allowed by law, payable semiannually, computed to maturity according to standard tables of bond values, and shall be sold in such manner and at such time as the authority shall determine at a public sale. Pending the preparation or execution of definitive bonds, temporary receipts, certificates or bonds may be delivered to the purchasers or pledgees of these bonds. No holder of any bond issued under this section shall ever have the right to compel any exercise of the taxing power of the state of Missouri or any political subdivision thereof to pay the bond or the interest thereon. Each bond issued under this

section shall recite in substance that the bond, including the interest thereon, is payable solely from the revenue pledged to the payment thereof or from any bonds issued for the purpose of refunding such bond, and that the bond does not constitute a debt of the authority or of the state of Missouri within any statutory or constitutional limitation of the state of Missouri. 2. Such bonds shall be executed by such officers of the authority as shall be designated by the authority. Any bonds bearing the signature of officers in office at the date of signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon shall have ceased to be such officers. 3. The authority may provide for the issuance of refunding bonds if the bonds to be refunded are due or callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or redeemable by their terms within twelve months after the date of issue of the refunding bonds, or if the bonds to be refunded even though not becoming due, callable, or redeemable within such period are voluntarily surrendered by the holders thereof for cancellation at the time of the issuance of the refunding bonds. All or part of any issue may be so refunded and all parts of several issues may be refunded into a single issue of refunding bonds. Provision may be made for including with the refunding bonds, as part of a single issue, bonds of the authority for any other purpose or purposes for which bonds are herein authorized to be issued. Refunding bonds may be exchanged for not less than a like principal amount of the bonds authorized to be refunded, and may be sold or may be exchanged in part and sold in part. ---------- (L. 1985 S.B. 145 & 166 § 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.317 - Bond issues, procedure to authorize — limitations — resolution contents — duties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.317. Bond issues, procedure to authorize — limitations — resolution contents — duties. —The authority, if it desires to issue bonds pursuant to section 305.315, shall adopt a resolution describing in a general way the airport or airports and the related facility or facilities to be acquired, established, constructed, reconstructed, expanded, or improved and refer to the plans and specifications therefor prepared for that purpose, or if refunding bonds, describing the bonds or other obligations to be refunded, or both. Any such resolution shall set out the estimated cost therefor, or in the case of refunding bonds, the amount of the bonds to be refunded, and shall fix the maximum amount of revenue bonds proposed to be issued therefor. This amount shall not exceed the estimated cost thereof, including engineering, legal, and other expenses together with interest cost to a date six months subsequent to the estimated date of completion, or, in the case of refunding bonds, the principal amount of the bonds to be refunded and legal and other expenses, and such other sums as in the discretion of the authority may be desirable to create a reserve fund sufficient to pay the maximum amount of principal and interest estimated to fall due on the bonds in any future twelve-month period. Such resolution may contain such covenants, which shall be part of the contract between the authority and the holder of the bonds and the trustee, if any, for such bondholders having such rights and duties as may be provided therein for the enforcement and protection of such covenants, as may be deemed necessary or advisable as to: (1) The issuance of additional bonds that may thereafter be issued payable from the income and revenues derived from the operation of any such airport or airports, and related facility or facilities, and for the payment of the principal and interest upon such bonds; (2) The regulations as to the use of any such airport or airports, and related facility or facilities, to assure the maximum use or occupancy thereof; (3) The kind and amount of insurance to be carried, including use and occupancy insurance, the cost of which shall be payable only from the income and revenues derived from such airport or airports, and related facility or facilities; (4) The operation, maintenance, management, accounting and auditing, employment of airport engineers and consultants and the keeping of records, reports and audits of any such airport or airports, and related facility or facilities; (5) The obligation of the authority to maintain the airport or airports, and related facility or facilities, in good condition and to operate the same in an economical and efficient manner; (6) Provide for setting aside of sinking funds, reserve funds, depreciation funds and such other special funds as may be found needful and the regulation and disposition thereof; (7) Provide for the setting aside of a sinking fund, into which shall be payable from the income and revenues of such airport or airports, and related facility or facilities, from month to month, as such income and revenues are collected, such sums as will be sufficient to pay the accruing interest and retire the bonds at maturity; (8) Fix and collect rents, rates of toll and other charges for the use of such airport or airports, and related facility or facilities, sufficient, together with other available money, to produce income and revenues adequate to pay the bonds at maturity and accruing interest and reserves therefor and sufficient to pay cost of maintenance, operation and depreciation thereof in such order of priority as shall be provided by the resolution authorizing the bonds; (9) Fix procedures by which the terms of any contract with the holders of the bonds may be amended, the amount of bonds involved, the holders of which must consent; (10) Provide the procedure for refunding such bonds; (11) Provide whether and to what extent and upon what terms and conditions, if any, the holder of bonds or coupons issued under such resolution or the trustee, if any, therefor may, either in law or in equity, by suit, action, mandamus or other proceeding, enforce or compel the performance of all duties required by this section and section 305.315, including the fixing, maintaining and collecting of such rents, rates or other charges for the use of such airport or airports, and related facility or facilities, or for any service rendered by the authority in the operation thereof as will be sufficient, together with other available money, to pay the principal or interest upon those revenue bonds as the same become due and reserves therefor and sufficient to pay the cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, in the order of priority as provided in the resolution authorizing the bonds, and the application of the income and revenues thereof; (12) Such other covenants as may be deemed necessary or desirable to assure a successful and profitable operation of the airport or airports, and related facility or facilities, and prompt payment of the principal and interest upon the bonds so authorized. ---------- (L. 1985 S.B. 145 & 166 § 6)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.320 - Security for bonds deposited in separate fund — purpose — subsequent resolutions, effect — surplus funds, authorized disbursement.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.320. Security for bonds deposited in separate fund — purpose — subsequent resolutions, effect — surplus funds, authorized disbursement. —Wherever revenue bonds are issued and outstanding under sections 305.315 and 305.317 inclusive, all of the income and revenues received from the operation of the airport or airports, and related facility or facilities, pledged to secure the payment of the interest and principal of such bonds shall be deposited in a separate fund which shall be used only in paying the principal and interest of these revenue bonds and reserves therefor and the cost of rental, maintenance, operation and depreciation of such airport or airports, and related facility or facilities, to such extent and in such order of priority as shall be provided by the respective resolutions authorizing revenue bonds; provided, however, no priority accorded by such a resolution may be impaired by a subsequent resolution authorizing revenue bonds unless specifically so permitted by a covenant of the kind authorized to be included in a resolution by section 305.317. Such income and revenues in excess of requirements for payment of principal of and interest upon these bonds and reserves therefor and for payment of cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, may be used for rehabilitation, reconstruction and expansion of existing airports and related facilities, or for the retirement of any outstanding bonds issued for airport purposes. After all such bonds have been paid, such income and revenues may be transferred to the general corporate fund of the authority and be used for maintenance, operation, repair and development of such airport or airports, and related facility or facilities, or for any other corporate purpose. ---------- (L. 1985 S.B. 145 & 166 § 7)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.325 - Debts and obligations of authority not debts of state.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.325. Debts and obligations of authority not debts of state. —Nothing in sections 305.300 to 305.333 shall be construed to authorize the authority to create a debt, liability or obligation of the state of Missouri or of any of its political subdivisions, and all bonds issued by the authority shall be paid solely from the revenues and other funds provided therefor by the provisions of sections 305.300 to 305.333. ---------- (L. 1985 S.B. 145 & 166 § 9)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.330 - Property of authority exempt from state taxes.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.330. Property of authority exempt from state taxes. —All property, real, personal or mixed, owned by the authority, which is located in the state of Missouri, is exempt from taxation under the laws of the state of Missouri. ---------- (L. 1985 S.B. 145 & 166 § 10)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.333 - Tax levy — rate — procedure to adopt — election, when — ballot form — use of revenue.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.333. Tax levy — rate — procedure to adopt — election, when — ballot form — use of revenue. —1. The board of directors of any county airport authority may levy, if a majority of the voters voting thereon approve, in addition to all other taxes heretofore approved, a tax of not more than twenty-five cents per one hundred dollars of assessed valuation to be used for the support of the authority. 2. The proposition to levy the tax authorized by subsection 1 of this section may be submitted by the board of directors at the next regular municipal or school election conducted by the county clerk in such county or at a special election called for the purpose, or upon petition of two hundred registered voters of the county. A separate ballot containing the question shall read as follows: --If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this section, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this section, no tax shall be levied. 3. Funds derived from the tax which may be levied pursuant to this section may be used to pay the principal and interest of any revenue bonds which may have been issued by the authority, or for any other purpose within the powers of the authority. ---------- (L. 1985 S.B. 145 & 166 § 11)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.400 - Definitions (Greene County).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.400. Definitions (Greene County). —For purposes of sections 305.400 to 305.410 the following words or phrases shall mean the following: (1)"Airport zone"is each area located wholly or in part outside a municipality in a county which is located within the following description:Beginning at a point on the end of any runway and on the centerline of the runway; thence to the right a distance of five hundred feet on a course perpendicular to said centerline to a point; thence to a point two thousand feet to the right of and perpendicular to the centerline extended which point is directly opposite a point ten thousand feet from the end of the runway on the said centerline extended away

from the runway; thence to a point two thousand feet to the left of and perpendicular to the centerline extended which point is directly opposite a point ten thousand feet from the end of the runway on the said centerline extended away from the runway; thence to a point five hundred feet to the left of the point of beginning and perpendicular to the said centerline; thence to the point of beginning. Beginning at a point on the end of any runway and on the centerline of the runway; thence to the right a distance of five hundred feet on a course perpendicular to said centerline to a point; thence to a point two thousand feet to the right of and perpendicular to the centerline extended which point is directly opposite a point ten thousand feet from the end of the runway on the said centerline extended away from the runway; thence to a point two thousand feet to the left of and perpendicular to the centerline extended which point is directly opposite a point ten thousand feet from the end of the runway on the said centerline extended away from the runway; thence to a point five hundred feet to the left of the point of beginning and perpendicular to the said centerline; thence to the point of beginning. (2)"County"is county of the first class having a population of more than one hundred and fifty thousand persons but less than six hundred thousand persons. (3)"Dwelling"is a building or portion thereof, including mobile homes, designed for residential use and occupancy including one-family, two-family, multiple-family dwellings, boarding houses, or rooming houses. (4)"Municipality"is a municipal corporation with a population of more than one hundred fifteen thousand but less than three hundred thousand persons. (5)"Runway"is a surface used for landing or taking off of aircraft which is shown on a duly adopted airport master plan of the municipality and includes all such runways shown thereon, whether existing or proposed, including extension of such runways. ---------- (L. 1979 H.B. 957 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.405 - Zoning regulations (Greene County).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.405. Zoning regulations (Greene County). —Notwithstanding any other provision of the law to the contrary, a county in which there is located a municipality which owns an airport served by commercial airlines certificated by the Civil Aeronautics Board of the United States of America shall adopt zoning orders and regulations as set forth in this section, pursuant to procedures in chapter 64, and the following provisions shall be deemed to be included in the county zoning order and regulations: (1) No dwellings shall be permitted to be constructed in an airport zone other than single-family dwellings each of which is on a lot or parcel of land of ten acres or more; (2) No hospitals, health institutions, clinics, sanitariums, nursing homes, convalescent homes, institutional homes, or other similar facilities shall be permitted to be constructed in an airport zone; (3) No public or private schools, libraries, sports arena, day care centers, churches or other places of worship, auditoriums or buildings for public assembly or use, theaters or any other similar facility shall be permitted to be constructed in an airport zone; (4) No building or structure shall be constructed nor shall any growth be maintained which exceeds fifty feet in height in an airport zone; no building or structure shall be constructed nor any growth maintained which is more than one hundred feet in height within any area located outside of an airport zone but located otherwise within an area two thousand feet parallel to and on each side of the centerline of any runway extended ten thousand feet from the end of and away from the runway; (5) No use or activity shall be conducted in an airport zone which emits radio signals, electronic emissions or interference of any kind with any navigational signal or radio communication between the airport or aircraft; nor anything which makes it difficult for pilots to distinguish airport lights or results in significant reflection of light or glare which impairs pilot visibility or otherwise creates a hazard for aircraft. ---------- (L. 1979 H.B. 957 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.410 - Annexation of land within airport zone prohibited, exceptions — enforcement authority — board of adjustment authorized (Greene County).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.410. Annexation of land within airport zone prohibited, exceptions — enforcement authority — board of adjustment authorized (Greene County). —1. Notwithstanding any other law to the contrary, annexation of land located within an airport zone by any city, town or village other than the municipality which owns the airport is prohibited, nor shall any areas be incorporated in such airport zones. 2. Notwithstanding the provisions of subsection 1 of this section, a city, town, or village may annex land located within an airport zone if the city, town, or village has entered into an agreement under section 70.220 with the municipality that owns the airport. Under the agreement, the city, town, or village shall adopt the airport zoning ordinance of the municipality owning the airport and shall agree to enforce and administer the terms of such airport zoning ordinance. Any city, town, or village, including its officers or employees, that has agreed to enforce and administer the airport zoning ordinance of the municipality that owns the airport who fails to enforce or administer the airport zoning ordinance or the terms of an agreement for enforcement and administration shall be subject to injunction, quo warranto, mandamus, or the remedies set forth in the agreement. If the city, town, or village fails to enforce the municipality's airport zoning law, the municipality owning the airport shall, in addition to all other remedies provided for in this section, have the right to enforce the zoning law against the violator by injunction or declaratory judgment. 3. Notwithstanding any other law to the contrary, the powers of the board of adjustment under section 89.080 may be vested in a new board of adjustment consisting of members of the board of adjustment of the municipality that own the airport and the members of the board of adjustment of the city, town, or village that annexes land within the airport zone in accordance with an agreement to enforce and administer the zoning regulations set forth in section 305.405 and the airport zoning ordinance of the municipality that owns the airport. Notwithstanding the provisions of section 89.090 or any other law to the contrary, the concurring vote of eight members of the new board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any

matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance. ---------- (L. 1979 H.B. 957 § 3, A.L. 2008 H.B. 1888)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.500 - Short title.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.500. Short title. —Sections 305.500 to 305.585 shall be known and may be referred to as "The Missouri-St. Louis Metropolitan Airport Authority Law". ---------- (L. 1972 H.B. 1341 § 1) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.505 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.505. Definitions. —As used in sections 305.500 to 305.585, unless the context requires otherwise, the following words and terms mean: (1)"Airport", an area of land or water, the boundaries of which shall be as designated by the authority for future airports, and as existing for present airports, which is intended for the landing and takeoff of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other related facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established, or for any purpose reasonably incident to any of the foregoing; (2)"Airport hazard", any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, or interferes with the flight of, aircraft in landing or taking off at the airport; (3)"Authority", The Missouri-St. Louis metropolitan airport authority; (4)"Authority airport", any airport or airports acquired, constructed, reconstructed, expanded, improved or leased by the authority and within the Missouri-St. Louis metropolitan area; (5)"Governor", the governor of the state of Missouri; (6)"Greater St. Louis metropolitan area", The Missouri-St. Louis metropolitan area and the counties of Madison, Monroe and St. Clair in the state of Illinois; (7)"Instrument airport", an airport which has one or more runways equipped or to be equipped with precision electronic navigation aids or landing aids or other air navigation facilities suitable to permit the landing of aircraft by an instrumental approach under restricted visibility conditions by instrument flight rules; (8)"Major airport", an airport serving air passengers, air cargo, and air freight by accommodating certified scheduled air carriers; (9)"Missouri-St. Louis metropolitan area", the city of St. Louis and the counties of St. Louis, St. Charles, Franklin and Jefferson in the state of Missouri; (10)"Noninstrument airport", an airport, other than an instrument airport, with no precision navigation or landing aids and suitable to permit the landing of aircraft by visual flight rules; (11)"Person", any individual, partnership, firm, company, corporation, association, trust or estate or his or its legal representative or agent; (12)"Related facilities", any buildings, structures, or other facilities necessary or appropriate for the control and safe operation of aircraft, the sheltering, servicing, or repair of aircraft, the receiving, discharging, sheltering, feeding, and supplemental transportation of passengers, the parking of motor vehicles, and the receipt, transfer, storage and discharge of cargo, or for any purpose reasonably incident thereto, and together with such residential, commercial, and industrial buildings, structures and facilities and public parks, recreation areas and conservation areas as shall be compatible with the operation of the authority airport and which may produce incidental income available for the expenses of any authority airport or public benefit, located or to be located on an authority airport and any aids to navigation necessary for the operation of any authority airport wherever located, and any land on which any aids are located; (13)"Structure", an object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, light towers, and overhead transmission lines; and (14)"Tree", any object of natural growth. ---------- (L. 1972 H.B. 1341 § 2) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.510 - Authority established — state aid to terminate June 30, 1983.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.510. Authority established — state aid to terminate June 30, 1983. —1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area. 2. After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority. ---------- (L. 1972 H.B. 1341 § 3, A.L. 1974 S.B. 398, A.L. 1976 S.B. 517, A.L. 1978 S.B. 581, A.L. 1980 H.B. 1289, A.L. 1982 S.B. 521)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.515 - Members of authority, how appointed, terms, qualifications, compensation, oath, bond.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.515. Members of authority, how appointed, terms, qualifications, compensation, oath, bond. —1. The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership

shall elect a member to serve as chairman. The mayor of the city of St. Louis and the supervisor of St. Louis County, with the advice and consent of their respective governing bodies, shall each appoint three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years. Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. 2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics. 3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. 4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority. ---------- (L. 1972 H.B. 1341 § 4) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.520 - General powers of authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.520. General powers of authority. —1. The authority may exercise any of the following governmental powers, and all other powers necessary, incidental, convenient or desirable to carry out and effectuate the express powers. It may: (1) Acquire by purchase, lease or otherwise, for the purpose of establishing and constructing one or more airports, any land or water lying anywhere within the Missouri-St. Louis metropolitan area; (2) Acquire by purchase, lease or otherwise any airport or airports located within the Missouri-St. Louis metropolitan area, and may assume and pay, or guarantee the payment of, the principal and interest of any bonds secured by any such airport, provided that (a) The rentals payable on any lease of any such airport shall be payable only from any part or all of the income and revenues derived from the airport, any other authority airport or airports, any related facilities of any such airport, or any other property owned by the authority or from any two or more of such sources, and the payment of such rentals may be secured by a pledge of any part or all of any such income or revenues; (b) Any such assumption or guaranty of the principal and interest of any bonds secured by any such airport, the related facilities thereof, any other authority airport or airports and their respective related facilities, any other authority property, or from the proceeds derived from the sale of bonds authorized to be issued by the authority pursuant to section 305.530 which are issued for the purpose of refunding any such bonds so assumed or guaranteed or any two or more of the foregoing sources; and (c) Any such lease, assumption or guaranty shall state on its face that it does not constitute a debt of the authority or the state of Missouri within the meaning of the constitution and the statutes of the state of Missouri; (3) Plan for, establish, acquire by purchase, lease or otherwise, construct, reconstruct, expand, improve and maintain related facilities for any authority airport; (4) Acquire by purchase, lease or otherwise, any land or water lying within the Missouri-St. Louis metropolitan area, within one mile of the boundaries of any proposed or existing authority airport, and may plan for, establish, construct, reconstruct, expand, improve and maintain related facilities which the authority deems necessary or appropriate; (5) Enter into leases or agreements for the operation by the authority of any airport or airports located in the Missouri-St. Louis metropolitan area and any part or all of the related facilities thereof; (6) Require the removal or relocation of all buildings, railroads, mains, pipes, conduits, wires, poles and other structures, facilities and equipment which may interfere with the location, operation, expansion or improvement of any proposed or existing authority airport or with the safe approach to or takeoff from any such airport by aircraft; but if the authority shall determine that it is necessary that any such facilities be relocated or removed entirely from any present or proposed authority airport, the person owning or operating such facilities shall relocate or remove the same in accordance with the order of the authority and all costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any other rights acquired to accomplish such relocation or removal shall be ascertained and paid by the authority as a part of the cost of any such present or proposed authority airport; and further, there shall be no rent, fee or other charge of any kind imposed upon the person owning or operating any facilities ordered relocated on the properties of the authority and the authority shall grant to the person owning or operating the facilities and his successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as he had the right to maintain and operate such facilities in their former location or locations; (7) Exercise the power of eminent domain over public or private property in the manner prescribed by chapter 523; (8) Receive and expend any funds from the state of Missouri, or any political subdivision thereof, which may be appropriated to further the purposes of sections 305.500 to 305.585. 2. Any acquisition made pursuant to subdivisions (1), (2), (3), (4) and (6) of this section of any property, real, personal or mixed, location within the state of Missouri whether private property, public property or property devoted to public use, including any rights thereto, may be acquired by exercise of the power of condemnation in accordance with the provisions of chapter 523. ---------- (L. 1972 H.B. 1341 § 5) Effective 2-04-72

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.525 - Contractual and regulatory powers of authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.525. Contractual and regulatory powers of authority. —1. The authority may operate any authority airport and may charge and collect rents, rates or other compensation for any use thereof or for any service rendered by the authority in the operation thereof pursuant to such contracts for such terms, not exceeding forty years, as the authority shall determine, which terms may begin in futuro, provided that, subject to the capacity thereof, the landing field, landing strips, and services of any authority airport shall be available to any person without unjust or unreasonable discrimination as to services and charges for landing and takeoff by any aircraft. 2. The authority may grant to any person concessions or privileges in any part of any authority airport, other than the landing field and landing strips, and any related facilities for the control and safe operation of aircraft, the sheltering, servicing or repair of aircraft, the receiving, discharging, sheltering, feeding and supplemental transportation of passengers, the parking of motor vehicles, and the receipt, transfer, storage and discharge of any cargo or for any purpose reasonably incident to any of the foregoing, provided that any leases and any grants of concessions or privileges may be for such terms, not exceeding twenty years, as the authority shall determine and any such term may begin in futuro. 3. The authority may regulate, to the extent not regulated by federal law or regulations, the navigation of aircraft over any authority airport and the perimeter area of such airport, the approach of aircraft to and their takeoff from any authority airport, and the use of any airport or related facilities so as to be consistent with the safe and efficient operation of the airport. 4. No city, town, county, or other political subdivision, located within the authority boundaries which owns an airport, may sell, give title or interest in, franchise, lease, contract for operation or maintenance, or otherwise convey, its airport to or with any other state, authority or political subdivision without the prior approval of the Missouri-St. Louis metropolitan airport authority. 5. All purchases, rentals, or leases of all goods, supplies, insurance, services, bonds, wares, commodities, or other items, tangible or intangible, by or for the authority, shall be based on competitive bids. The authority shall advertise for bids in at least two newspapers of general circulation in the area served by the authority at least five days before bids for the purchases, rentals, or leases are to be opened. All bids shall be mailed or delivered to the office of the authority so as to reach it before the time set for opening bids. The purchase shall be let to the lowest and best bidders. The authority may reject the bids and advertise for new bids. Purchases where the estimated expenditure is less than one thousand dollars may be made without the securing of bids. ---------- (L. 1972 H.B. 1341 § 6) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.530 - Bonds, issue authorized, denominations, sale — refunding bonds.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.530. Bonds, issue authorized, denominations, sale — refunding bonds. —1. The authority may from time to time issue bonds in anticipation of its income and revenues from any one or more authority airports and related facilities to accomplish any of the purposes of sections 305.500 to 305.585, and to refund such bonds, or any bonds assumed or guaranteed pursuant to the provisions of sections 305.500 to 305.585. Such bonds shall be authorized by resolution and may be issued in one or more series, may bear such dates, mature at such time or times, bear interest at such rates, not exceeding the maximum amount allowed by law, payable semiannually, be in such form, be executed in such manner, including the use of facsimile signatures and seals, be payable in such medium of*payment, at such places, be subject to such terms of redemption, with or without premium, and may be made registrable as to principal or as to both principal and interest, as the authority by resolution may provide. Any bonds issued hereunder may be issued in denominations of five thousand dollars or any multiple thereof. The bonds shall have all the qualities of negotiable paper within the meaning of such term as used in the laws of this state. The bonds shall be sold at a price, so that the interest cost of the proceeds thereof shall not exceed the maximum allowed by law, payable semiannually, computed to maturity according to standard tables of bond values, and shall be sold in such manner and at such time as the authority shall determine at a public sale. Pending the preparation or execution of definitive bonds, temporary receipts, certificates or bonds may be delivered to the purchasers or pledgees of these bonds. No holder of any bond issued under this section shall ever have the right to compel any exercise of the taxing power of the state of Missouri or any political subdivision thereof to pay the bond or the interest thereon. Each bond issued under this section shall recite in substance that the bond, including the interest thereon, is payable solely from the revenue pledged to the payment thereof or from any bonds issued for the purpose of refunding such bond, and that the bond does not constitute a debt of the authority or of the state of Missouri within any statutory or constitutional limitation of the state of Missouri. 2. Such bonds shall be executed by such officers of the authority as shall be designated by the authority. Any bonds bearing the signature of officers in office at the date of signing thereof shall be valid and binding for all purposes, notwithstanding that before delivery thereof any or all such persons whose signatures appear thereon, shall have ceased to be such officers. 3. The authority may provide for the issuance of refunding bonds if the bonds to be refunded are due or callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or redeemable by their terms within twelve months after the date of issue of the refunding bonds, or if the bonds to be refunded even though not becoming due, callable, or redeemable within such period are voluntarily surrendered by the holders thereof for cancellation at the time of the issuance of the refunding bonds. All or part of any issue may be so refunded and all parts of several issues may be refunded into a single issue of refunding bonds. Provision may be made for including with the refunding bonds, as part of a single issue, bonds of the authority for any other purpose or purposes for which bonds are herein authorized to be

issued. Refunding bonds may be exchanged for not less than a like principal amount of the bonds authorized to be refunded, and may be sold or may be exchanged in part and sold in part. ---------- (L. 1972 H.B. 1341 § 7) Effective 2-4-72 *Word "or" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.535 - Bonds, issue procedure — resolution to issue may contain.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.535. Bonds, issue procedure — resolution to issue may contain. —The authority, if it desires to issue bonds pursuant to section 305.530, shall adopt a resolution describing in a general way the airport or airports and the related facility or facilities to be acquired, established, constructed, reconstructed, expanded, or improved and refer to the plans and specifications therefor prepared for that purpose, or if refunding bonds, describing the bonds or other obligations to be refunded, or both. Any such resolution shall set out the estimated cost therefor, or in the case of refunding bonds, the amount of the bonds to be refunded, and shall fix the maximum amount of revenue bonds proposed to be issued therefor. This amount shall not exceed the estimated cost thereof, including engineering, legal, and other expenses together with interest cost to a date six months subsequent to the estimated date of completion, or, in the case of refunding bonds, the principal amount of the bonds to be refunded and legal and other expenses, and such other sums as in the discretion of the authority may be desirable to create a reserve fund sufficient to pay the maximum amount of principal and interest estimated to fall due on the bonds in any future twelve month period. Such resolution may contain such covenants, which shall be part of the contract between the authority and the holder of the bonds and the trustee, if any, for such bondholders having such rights and duties as may be provided therein for the enforcement and protection of such covenants, as may be deemed necessary or advisable as to: (1) The issuance of additional bonds that may thereafter be issued payable from the income and revenues derived from the operation of any such airport or airports, and related facility or facilities, and for the payment of the principal and interest upon such bonds; (2) The regulations as to the use of any such airport or airports, and related facility or facilities, to assure the maximum use or occupancy thereof; (3) The kind and amount of insurance to be carried, including use and occupancy insurance, the cost of which shall be payable only from the income and revenues derived from such airport or airports, and related facility or facilities; (4) The operation, maintenance, management, accounting and auditing, employment of airport engineers and consultants and the keeping of records, reports and audits of any such airport or airports, and related facility or facilities; (5) The obligation of the authority to maintain the airport or airports, and related facility or facilities, in good condition and to operate the same in an economical and efficient manner; (6) Provide for setting aside of sinking funds, reserve funds, depreciation funds and such other special funds as may be found needful and the regulation and disposition thereof; (7) Provide for the setting aside of a sinking fund, into which shall be payable from the income and revenues of such airport or airports, and related facility or facilities, from month to month, as such income and revenues are collected, such sums as will be sufficient to pay the accruing interest and retire the bonds at maturity; (8) Fix and collect rents, rates of toll and other charges for the use of such airport or airports, and related facility or facilities, sufficient, together with other available money, to produce income and revenues adequate to pay the bonds at maturity and accruing interest and reserves therefor and sufficient to pay cost of maintenance, operation and depreciation thereof in such order of priority as shall be provided by the resolution authorizing the bonds; (9) Fix procedures by which the terms of any contract with the holders of the bonds may be amended, the amount of bonds involved, the holders of which must consent; (10) Provide the procedure for refunding such bonds; (11) Provide whether and to what extent and upon what terms and conditions, if any, the holder of bonds or coupons issued under such resolution or the trustee, if any, therefor may, either in law or in equity, by suit, action, mandamus or other proceeding, enforce or compel the performance of all duties required by this section and section 305.530, including the fixing, maintaining and collecting of such rents, rates or other charges for the use of such airport or airports, and related facility or facilities, or for any service rendered by the authority in the operation thereof as will be sufficient, together with other available money, to pay the principal or interest upon those revenue bonds as the same become due and reserves therefor and sufficient to pay the cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, in the order of priority as provided in the resolution authorizing the bonds, and the application of the income and revenues thereof; (12) Such other covenants as may be deemed necessary or desirable to assure a successful and profitable operation of the airport or airports, and related facility or facilities, and prompt payment of the principal and interest upon the bonds so authorized. ---------- (L. 1972 H.B. 1341 § 8) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.540 - Excess revenue, how used.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.540. Excess revenue, how used. —Wherever revenue bonds are issued and outstanding under sections 305.530 and 305.535 inclusive, all of the income and revenues received from the operation of the airport or airports, and related facility or facilities, pledged to secure the payment of the interest and principal of such bonds shall be deposited in a separate fund which shall be used only in paying the principal and interest of these revenue bonds and reserves therefor and the cost of rental, maintenance, operation and depreciation of such airport or airports, and related facility or facilities, to such extent and in such order of priority as shall be provided by the respective resolutions authorizing revenue bonds; provided, however, no priority accorded by such a resolution may be impaired by a subsequent resolution authorizing revenue bonds unless specifically so permitted by a covenant of the kind authorized to be included in a resolution by section 305.535. Such income and revenues in excess of requirements for payment of principal of and interest upon these bonds and

reserves therefor and for payment of cost of maintenance, operation and depreciation of the airport or airports, and related facility or facilities, may be used for rehabilitation, reconstruction and expansion of existing airports and related facilities, or for the retirement of any outstanding bonds issued for airport purposes. After all such bonds have been paid, such income and revenues may be transferred to the general corporate fund of the authority and be used for maintenance, operation, repair and development of such airport or airports, and related facility or facilities, or for any other corporate purpose. ---------- (L. 1972 H.B. 1341 § 9) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.545 - Authority may expand — certain Illinois counties may be included, when — effect of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.545. Authority may expand — certain Illinois counties may be included, when — effect of. —1. The Missouri-St. Louis metropolitan airport authority may expand the boundaries to include all or part of Madison, Monroe, and St. Clair counties in the state of Illinois provided that: (1) The state of Illinois shall dissolve and terminate, in the same manner as created, any authorities, or districts, acting in the same, or similar, manner as the Missouri-St. Louis metropolitan airport authority; (2) The state of Illinois has provided for such counties to become a part of the authority and to be subject to all the provisions, duties and powers as provided in sections 305.500 to 305.585. 2. The presiding officer of each county within the state of Illinois which is added to the authority shall appoint one member of the authority in the same manner as provided for counties and the city of St. Louis in the state of Missouri. 3. Expansion of the boundaries of the Missouri-St. Louis metropolitan airport authority by inclusion of additional counties shall not change the name of the authority, except the inclusion, or addition, of a county or counties in the state of Illinois shall change the name of the authority by deleting the word "Missouri", and such deletion will not change or alter the purposes of sections 305.500 to 305.585. ---------- (L. 1972 H.B. 1341 § 10) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.550 - Additional powers of authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.550. Additional powers of authority. —1. The authority may also: (1) Enter into contracts regarding any matter connected with any purpose within the objects and purposes of sections 305.500 to 305.585; (2) Employ agents and employees necessary to carry out the duties and purposes of the authority; (3) Adopt all necessary bylaws, rules and regulations for the conduct of the business and affairs of the authority, and for the management and use of facilities and sites acquired under the powers granted by sections 305.500 to 305.585; (4) Have and use a common seal and alter the same at pleasure; (5) Secure grants or loans, or both, from the United States government, or any agency thereof, for financing the establishment and construction of any airport, related facility, or any part of any of the foregoing authorized by sections 305.500 to 305.585. For such purposes the authority may issue and sell or pledge to the United States government, or any agency thereof, all or any part of the revenue bonds authorized under sections 305.530, 305.535 and 305.540, and may execute contracts and documents and do all things that may be required by the United States government, or any agency thereof, provided that such contract and documents do not conflict with the provisions of any resolution authorizing and securing the payment of outstanding bonds of the authority theretofore issued that are payable from the revenues derived from the operation of any authority airport, and related facility. 2. Nothing in this section or in any other provision of sections 305.500 to 305.585 shall be construed to authorize the authority to establish or enforce any regulation or rule in respect to the operation or maintenance of its airports and related facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter. ---------- (L. 1972 H.B. 1341 § 11) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.555 - Authority property exempt from tax.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.555. Authority property exempt from tax. —All property, real, personal or mixed, owned by the authority, which is located in the state of Missouri, is exempt from taxation under the laws of the state of Missouri. ---------- (L. 1972 H.B. 1341 § 12) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.560 - Authority not authorized to obligate state or political subdivision.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.560. Authority not authorized to obligate state or political subdivision. —Nothing in sections 305.500 to 305.585 shall be construed to authorize the authority to create a debt, liability or obligation of the state of Missouri or of any of its political subdivisions, and all bonds issued by the authority shall be paid solely from the revenues and other funds provided therefor by the provisions of sections 305.500 to 305.585. ---------- (L. 1972 H.B. 1341 § 13) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.565 - Bonds, who may invest in.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.565. Bonds, who may invest in. —Counties,

cities, villages, incorporated towns, and other municipal corporations, political subdivisions and public bodies, and public officers of any thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control, in any bonds issued by the authority pursuant to the provisions of sections 305.500 to 305.585. ---------- (L. 1972 H.B. 1341 § 14) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.570 - Authority airports to be individually considered.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.570. Authority airports to be individually considered. —The authority is subject to the provisions of this chapter, but each authority airport shall be individually considered the same as a city, town or county airport. ---------- (L. 1972 H.B. 1341 § 15) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.575 - Airport hazards, zoning — zoning committee — regulations, variances — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.575. Airport hazards, zoning — zoning committee — regulations, variances — penalty. —1. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity and impairs the utility of the airport and the public investment therein. Accordingly, it is hereby declared that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport and it is therefore necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented to the extent legally possible. The authority may for airspace clearance and navigational purposes provide for the zoning of all territory within two miles of the boundaries of an instrument authority airport and within one mile of the boundaries of a noninstrument authority airport for the purpose and intent of preventing or eliminating hazards on the ground and in the air which obstruct or interfere with the use of an authority airport, such as natural and man-made obstructions, lights, smoke and electronic interferences. 2. No such zoning regulation shall limit any existing use or require the reduction in height of any existing structure without the owner's consent or the payment of compensation for damages or loss resulting therefrom. 3. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, abatement, or marking, lighting or shielding of existing airport hazards are public purposes for which the authority may expend funds and acquire land or property rights therein. 4. The chairman shall establish an airport zoning committee consisting of five members of the authority, not more than one of which shall be representatives of the same area within the boundaries of the authority. Each member so appointed shall serve as a member of the committee during his term as member of the authority. The committee shall recommend the adoption of zoning regulations and*hear appeals for the zoning of authority airports. 5. Before any zoning regulations are made or changed, except permissible variances, the committee shall hold at least one public hearing at which any interested person may appear in person or by counsel to present his views. The public hearings shall be held only after notice thereof has been given by publication in a newspaper having general circulation within the area subject to the zoning regulations once each week for four consecutive weeks next preceding the time set for the hearing and by posting the same notice in ten conspicuous places within the area, and all costs of the publication shall be paid for by the authority. 6. Zoning regulations of the authority shall be adopted, decided, revised or altered, only upon the affirmative vote of a majority of those members of the committee present at the public hearing or at some meeting within thirty days thereafter at which at the time of voting a majority of the entire committee is present. In the event of conflict between any airport zoning regulations adopted pursuant to the provisions of this section and some other permissible zoning regulation, the more stringent limitation or requirement shall govern and prevail. 7. All airport zoning regulations adopted by the authority under sections 305.500 to 305.585 shall be enforced by the city or county agency in which the zoning is applicable and which has the duty of enforcing zoning and building regulations within their area. The authority shall provide each city and county zoning agency with maps, charts, and visual displays as necessary and convenient for a coordinated, efficient and effective enforcement. The authority shall provide each city and county zoning agency technical advice and representation when so requested for the purposes of sections 305.500 to 305.585. 8. Any person, firm or corporation desiring to erect any structure or to change any existing structure or to permit any natural growth in variance of zoning regulations made pursuant to the provisions of this section shall apply for permission to make such variance with the authority. Such variances shall be allowed if a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and the provisions of sections 305.500 to 305.585, but any variance shall be subject to such reasonable conditions as the airport zoning board may deem necessary to effectuate the purpose of this section. In granting any variance, the authority shall require, and the person, firm, or corporation seeking the variance shall install, operate and maintain thereon, at the expense of said person, firm, or corporation seeking the variance, such markers, lights and shielding as may be necessary to indicate to flyers the presence of any hazard, obstruction and interference which may result from the variance. 9. Any person, firm or corporation or any political subdivision which believes it has been aggrieved by any decision regarding zoning regulations made by the airport authority may appeal to the circuit court of the county in which the zoning regulations applies for judicial review of the regulation and the method in which it was adopted. The action must be begun within thirty days after the regulation becomes effective, and the court shall hear the issues and make its determination in the same manner as judicial review

may be had for any other administrative decision. 10. Any person, firm or corporation violating any of the provisions of sections 305.500 to 305.585 or acting contrary to any zoning regulation which may be adopted pursuant to the provisions of sections 305.500 to 305.585 is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law, and each day of violation of any such zoning regulation constitutes a separate offense. 11. No such zoning regulation shall limit any existing use without the owner's consent or the payment of compensation for damages or loss resulting therefrom in the manner prescribed by chapter 523. ---------- (L. 1972 H.B. 1341 § 16) Effective 2-04-72 *Word "to" appears here in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.580 - Noise zoning — major airport land use zoning committee — regulation, variances, procedures.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.580. Noise zoning — major airport land use zoning committee — regulation, variances, procedures. —1. It is hereby found that the location of a new major airport will increase the value and rate of development of the land adjacent to the site; that the control of such development will be of benefit to the entire community; that the assessed value of taxable property and the tax resources will be significantly greater; and that the protection of inhabitants and the natural resources of the area is necessary to the enhancement of the community and to encourage the compatible existence of the airport and the community. Accordingly it is recognized that large aircraft generate noise which is objectionable to certain types of development and land use but is necessary for the safe and efficient flight of the aircraft and its service to the airport. Therefore, to encourage the successful coexistence of the community and the airport, to enhance the environment, and the general welfare of the community, and provide for the orderly development generated by a major airport, the authority, to minimize the adverse effects of aircraft noise, and in addition to zoning powers given in section 305.575, may provide for the land use zoning of all territory, for noise compatibility, included in a rectangle extending seven miles from each end of a runway and one and one-half miles each side of a runway centerline for each proposed and planned future runway for a major airport site. 2. No such zoning regulation shall limit any existing use without the owner's consent or the payment of compensation for damages or loss resulting therefrom in the manner prescribed by chapter 523. 3. Within one hundred and twenty days after the selection and approval of a site for a new major airport, the authority shall determine the probable levels of noise which will result from the operation of aircraft using the site and establish aircraft noise zones based thereon applicable to the property affected by such noise. As aircraft noise characteristics change with improved technology, the authority may make changes in the aircraft noise zones. No property shall be used, and no buildings or other structure shall be constructed or improved, within any aircraft noise zone, so that persons using the property and buildings are subjected to a level of noise in excess of the acceptable level established by the authority for that land use. 4. It is further declared that both the control and establishment of compatible land use are public purposes for which the authority may expend funds and acquire land or property rights therein. The authority may retain any property acquired pursuant to this section and use it for a lawful purpose, or it may provide for the sale or other disposition. 5. The chairman of the authority shall establish a five member major airport land use zoning committee consisting of three members of the authority, one of which shall be a representative of the same county in which the major airport is to be located, and two of which shall be citizens residing in the county in which the major airport is to be located. Each member of the major airport land use zoning committee shall serve as a member of the committee during his term as member of the authority and a citizen member shall serve a term of two years. The committee shall recommend the adoption of zoning regulations and hear appeals for the land use zoning. 6. Zoning regulations made or changed pursuant to the provisions of this section shall be made in the same manner as that provided in section 305.575, including the provisions for notice, and any person, firm or corporation or any political subdivision which believes it has been aggrieved by any decision regarding zoning regulations made by the airport authority pursuant to the provisions of this section may appeal that decision in the same manner as that provided in section 305.575. 7. Any person, firm or corporation desiring to erect any structure or to change any existing structure or to permit any noncompliance use in variance of zoning regulations made pursuant to the provisions of this section shall apply for permission to make such variance with the authority. Such variances shall be allowed if a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and the provisions of sections 305.500 to 305.585, but any variance shall be subject to such reasonable conditions as the airport land use zoning board may deem necessary to effectuate the purposes of this section. In granting any variance, the authority shall require, and the person, firm, or corporation seeking the variance shall install, operate and maintain thereon, at the expense of said person, firm, or corporation seeking the variance, such soundproofing, lights and protection as may be necessary to protect people and the use of the land from objectionable and adverse aircraft noise which may result from the variance. ---------- (L. 1972 H.B. 1341 § 17) Effective 2-04-72

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.585 - Authority to repay state for state general revenue funds used.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.585. Authority to repay state for state general revenue funds used. —Any and all funds appropriated from the general revenue of the state of Missouri to carry out the provisions of sections 305.500 to 305.585 shall be repaid to the state of Missouri from revenues, if any, generated by the authority's operations. ---------- (L. 1972 H.B. 1341 § 18) Effective 2-04-72

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.600 - Displacing agencies defined — compliance with federal regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.600. Displacing agencies defined — compliance with federal regulations. —1. Sections 305.600 to 305.630 may be cited as the "Airport Relocation Assistance Act". 2. Except as otherwise provided in sections 305.600 to 305.630, displacing agencies shall comply with federal regulations promulgated by the department of transportation under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. 3."Displacing agencies"as used in sections 305.600 to 305.630 shall mean those state, local and private entities which are using the power of eminent domain to relocate persons from residential, business, farm or other property for the construction or expansion of airports located within a first class charter county and operated by a city not within a county. ---------- (L. 1990 H.B. 1510 § 1) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.603 - Certain aid for displaced persons.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.603. Certain aid for displaced persons. —1. Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person from a residence or business, the head of the displacing agency shall provide for the following aid for the displaced person in addition to the compensation required for the real estate: (1) Actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property; (2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property; (3) Actual reasonable expenses in searching for a replacement business or farm; and (4) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed ten thousand dollars. 2. Any displaced person eligible for payments under subsection 1 of this section may elect to receive an expense and dislocation allowance under this subsection in lieu of the payments available under subsection 1 of this section. The expense and dislocation allowance shall be determined according to criteria and a schedule established by the United States Department of Transportation. 3. The displacing agency may provide additional relocation payments to utility facilities which incur extraordinary costs in connection with a relocation as determined by federal law and regulations of the department of transportation. ---------- (L. 1990 H.B. 1510 § 2) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.606 - Acquisition costs for dwelling — interest and debt service costs — title, closing costs — eligibility — mortgage.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.606. Acquisition costs for dwelling — interest and debt service costs — title, closing costs — eligibility — mortgage. —1. In addition to payments otherwise authorized or required by sections 305.600 to 305.630, the head of the displacing agency shall make an additional payment not in excess of twenty-two thousand five hundred dollars to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements: (1) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling; (2) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling; (3) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses. 2. The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe and sanitary replacement dwelling within one year after the*date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 305.609 is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date. 3. The head of any state agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person under this section, which mortgage is eligible for insurance under any state law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage. ---------- (L. 1990 H.B. 1510 § 3) Effective 6-14-90 *Word "this" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.609 - Dwelling costs — eligibility — payment amount.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.609. Dwelling costs — eligibility — payment amount. —1. In addition to amounts otherwise authorized by sections 305.600 to 305.630, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 305.606 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to: (1) The initiation of negotiations for acquisition of such dwelling; or (2) In any case in which displacement is not a direct result of acquisition, such other event as the head of the United States Department of Transportation shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed forty-two months, a comparable replacement dwelling, but not to exceed five thousand two hundred fifty dollars. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subdivision to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income. 2. Any person eligible for a payment under subsection 1 of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection 1 of this section, except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least ninety days but not more than one hundred eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 305.606 had the person owned and occupied the displacement dwelling one hundred eighty days immediately prior to the initiation of such negotiations. ---------- (L. 1990 H.B. 1510 § 4) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.612 - Programs undertaken by displacing agency — relocation assistance advisory services — eligibility.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.612. Programs undertaken by displacing agency — relocation assistance advisory services — eligibility. —1. Programs or projects undertaken by a displacing agency shall be planned in a manner that: (1) Recognizes, at an early stage in the planning of such programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses and farm operations; and (2) Provides for the resolution of such problems in order to minimize adverse impacts in displaced persons and to expedite program or project advancement and completion. 2. The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection 3 of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs has caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services. 3. Each relocation assistance advisory program required by subsection 2 of this section shall include such measures, facilities or services as may be necessary or appropriate in order to: (1) Determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance; (2) Provide current and continuing information on the availability, sales prices and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations; (3) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling. 4. The head of a displacing agency shall coordinate the relocation activities performed by such agency with other federal, state or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services. 5. In any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency. ---------- (L. 1990 H.B. 1510 § 5) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.615 - Head of displacing agency may provide dwellings — comparable replacement housing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.615. Head of displacing agency may provide dwellings — comparable replacement housing. —1. If a program or project undertaken by a displacing agency cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that such dwelling cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or*appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under section 305.606 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue. 2. No person shall be required to move from his dwelling on account of any program or project undertaken by a federal agency or with federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person. ---------- (L. 1990 H.B. 1510 § 6) Effective 6-14-90 *Word "to" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.618 - Administrative appeals — written process.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.618. Administrative appeals — written

process. —Each displacing agency must provide a written process for administrative appeals of decisions made by that agency. ---------- (L. 1990 H.B. 1510 § 7) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.621 - Benefits not additional.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.621. Benefits not additional. —The benefits provided by sections 305.603 to 305.615 shall not be given in addition to similar benefits provided under federal law. ---------- (L. 1990 H.B. 1510 § 8) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.624 - Financial and emotional costs — search for new housing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.624. Financial and emotional costs — search for new housing. —To ensure adequate compensation for the negative financial and emotional effects of a program or project undertaken by the displacing agency, such displacing agency shall make an additional payment to a displaced property owner who is eligible for payment under section 305.606 in an amount not to exceed one thousand dollars per parcel of property over and above other compensation provided under state and federal law. This additional payment shall be compensation for the time expended by the displaced person in search of new housing. The expenditure shall be paid by the displacing agency separate from and in addition to other relocation assistance. ---------- (L. 1990 H.B. 1510 § 9) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.627 - Clearing, seeding, and mowing of acquired property.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.627. Clearing, seeding, and mowing of acquired property. —1. A displacing agency shall clear every piece of residential property which it acquires for relocation as soon as possible and not later than ninety days following physical possession and the notification from the utility companies of services disconnection. 2. The displacing agency shall grade the property it has acquired and shall keep it in good condition by seeding and mowing the property. ---------- (L. 1990 H.B. 1510 § 10) Effective 6-14-90

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.630 - Noise mitigation — requirements — roads, relocation of highways — effect of plan on floodplain.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.630. Noise mitigation — requirements — roads, relocation of highways — effect of plan on floodplain. —1. Any area surrounding an airport as defined in section 305.600 which is to be expanded, and which has a noise level rating of seventy-five LDN or greater shall be purchased by the airport authority or owner of such airport for purposes of noise mitigation within a reasonable period of time after the determination of such noise level. Noise level monitors shall be placed in locations surrounding the airport in such a manner as to ensure that an accurate noise level reading may be made in any given area, and such noise level monitors shall be maintained in proper working condition. Upon the request of at least ten percent of the residents of a neighborhood, the airport authority or other owner of the airport shall install noise level monitors in such neighborhood and maintain them in proper working condition, if any portion of such neighborhood is located within three miles of the airport. 2. Whenever property is purchased or otherwise taken for airport use, as required by subsection 1 of this section, or pursuant to any powers authorized by law, a plan shall be prepared to establish a perimeter zone of not less than one thousand feet distance from the proposed airport boundary. Any area within one thousand feet from the proposed airport boundary in which the noise level rating is less than sixty-five LDN may be exempted or excluded from the perimeter zone required by this subsection. Residences within this area shall be purchased by the airport authority provided the majority of property owners agree to such a purchase plan. Nothing in this subsection shall be deemed to prohibit any airport buy out program that is agreed to by the residents of any area involved in such a program or to prohibit any resident from requesting the airport to purchase such resident's property for conditions other than noise abatement. Whenever a perimeter zone of not less than one thousand feet distance from the proposed airport boundary is established, the owner of the airport shall landscape such buffer to provide a visual barrier to air traffic activities and airport operation. 3. Any airport expansion which affects roads to any neighborhood shall also provide for the relocation of such access roads, rather than simply providing for the elimination of such access roads. Any airport expansion which affects any highway which is maintained or regulated by the state transportation department shall provide that the highway is to be relocated and the costs of such relocation shall be the responsibility of the airport authority or other owner of the airport, except that the cost of an expansion of such highway may be shared by the transportation department. Any such relocation shall be under the supervision of the transportation department. 4. In any airport expansion performed pursuant to any powers authorized by law, any land which is purchased for noise mitigation purposes shall be developed so that existing structures no longer used for their original purpose are demolished and the land is cleared of debris and allowed to return to its natural condition within six months after such property is vacated. 5. The airport authority or other owner of the airport shall file a plan of its proposed expansion with the department of natural resources. The department shall approve the proposed expansion plan if such plan will not adversely affect the floodplain of any areas in the vicinity of the airport to such a degree as to cause significant risk of damage from floodwaters to any such area. ---------- (L. 1990 H.B. 1510 § 11, A.L. 1993 H.B. 710)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.800 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.800. Definitions. —As used in sections 305.800 to 305.810, the following terms mean: (1)"Abandoned aircraft", an aircraft left in a wrecked, inoperative, or partially dismantled condition at an airport; or an aircraft that has remained in an idle state at an airport for forty-five consecutive calendar days without a contractual agreement between the owner or operator of the aircraft and the airport for use of the airport premises; (2)"Airport superintendent", the person or group of people authorized to make decisions on behalf of an airport; (3)"Derelict aircraft", any aircraft that is not in a flyable condition, does not have a current certificate of airworthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.802 - Derelict or abandoned aircraft discovered, airport superintendent duties — notification of owner.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.802. Derelict or abandoned aircraft discovered, airport superintendent duties — notification of owner. —1. If a derelict aircraft or abandoned aircraft is discovered on airport property, the airport superintendent shall: (1) Make a record of the date the aircraft was discovered on the airport property; and (2) Inquire as to the name and address of any person having an equitable or legal interest in the aircraft, including the owner and any lienholders, by: (a) Contacting the Federal Aviation Administration, aircraft registration branch, and making a diligent search of the appropriate records; or (b) Contacting an aircraft title search company. 2. Within ten business days of receiving the information requested under subsection 1 of this section, the airport superintendent shall notify the owner and all other interested parties by certified mail, return receipt requested: (1) Of the location of the derelict or abandoned aircraft on the airport property; (2) That fees and charges for the use of the airport by the aircraft have accrued and the amount of those fees and charges; (3) That the aircraft is subject to a lien under section 305.806 for any unpaid and accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft; (4) That the lien is subject to enforcement under this section; (5) That the airport may use, trade, sell, or remove the aircraft as described in section 305.804 if, within thirty calendar days after the date of receipt of the notice, the owner or other interested party has not removed the aircraft from the airport and paid in full all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft; and (6) That the airport superintendent may remove the aircraft in less than thirty calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the airport superintendent. 3. (1) If the owner of the aircraft is unknown or cannot be found after the inquiry required under subdivision (2) of subsection 1 of this section, the airport superintendent shall place a notice upon the aircraft in a conspicuous place containing the information required under subdivisions (2), (3), (4), (5), and (6) of subsection 2 of this section. (2) The notice required under subdivision (1) of this subsection shall be not less than eight inches by ten inches and shall be laminated or otherwise sufficiently weatherproof to withstand normal exposure to rain, snow, and other conditions. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.804 - Failure to remove, airport superintendent's authority — sale or disposal of aircraft, requirements — liability of owner for costs.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.804. Failure to remove, airport superintendent's authority — sale or disposal of aircraft, requirements — liability of owner for costs. —1. If the owner or other interested party has not removed the aircraft from the airport and paid in full all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so within thirty calendar days of the airport superintendent posting notice under section 305.802, the airport superintendent may: (1) Retain the aircraft for use by the airport, the state, or the unit of local government owning or operating the airport; (2) Trade the aircraft to another unit of local government or a state agency; (3) Sell the aircraft; or (4) Dispose of the aircraft through an appropriate refuse removal company or a company that provides salvage services for aircraft. 2. If the airport superintendent elects to sell the aircraft in accordance with subdivision (3) of subsection 1 of this section, the aircraft shall be sold at public auction after giving notice of the time and place of sale, at least ten calendar days prior to the date of sale, in a newspaper of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft. 3. If the airport superintendent elects to dispose of the aircraft in accordance with subdivision (4) of subsection 1 of this section, the airport superintendent shall be entitled to negotiate with the company for a price to be received from the company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to the company by the airport superintendent for the costs of disposing of the aircraft. All information and records pertaining to the establishment of the price and the justification for the amount of the price shall be prepared and maintained by the airport superintendent. 4. If the sale price or the negotiated price is less than the airport superintendent's current fees and charges against the aircraft, the owner of the aircraft shall remain liable to the airport superintendent for the fees and charges that are not offset by the sale price or negotiated price. 5. All costs incurred by the airport superintendent in the removal, storage, and sale of any aircraft shall be recoverable against the owner of the aircraft. ---------- (L. 2020 H.B. 1963)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.806 - Lien on aircraft — perfection of lien requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.806. Lien on aircraft — perfection of lien requirements. —1. The airport superintendent shall have a lien on a derelict or abandoned aircraft for all unpaid fees and charges for the use of the airport by the aircraft and for all unpaid costs incurred by the airport superintendent for the transportation, storage, and removal of the aircraft. As a prerequisite to perfecting a lien under this section, the airport superintendent shall serve a notice on the last registered owner and all persons having an equitable or legal interest in the aircraft. 2. (1) For the purpose of perfecting a lien under this section, the airport superintendent shall file a claim of lien that states: (a) The name and address of the airport; (b) The name of the last registered owner of the aircraft and all persons having a legal or equitable interest in the aircraft; (c) The fees and charges incurred by the aircraft for the use of the airport and the costs for the transportation, storage, and removal of the aircraft; and (d) A description of the aircraft sufficient for identification. (2) The claim of lien shall be signed and sworn to or affirmed by the airport superintendent's director or the director's designee. (3) The claim of lien shall be served on the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft. The claim of lien shall be served before filing. (4) The claim of lien shall be filed with the proper office according to section 400.9-501. The filing of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of filing and shall take priority as of that time. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.808 - Sale of aircraft, use of proceeds — return to owner, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.808. Sale of aircraft, use of proceeds — return to owner, when. —1. If the aircraft is sold, the airport superintendent shall satisfy the airport superintendent's lien, plus the reasonable expenses of notice, advertisement, and sale from the proceeds of the sale. 2. The balance of the proceeds of the sale, if any, shall be held by the airport superintendent and delivered on demand to the owner of the aircraft. 3. If no person claims the balance within twelve months of the date of sale, the airport shall retain the funds and use the funds for airport operations. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 305 - Aircraft and AirportsSection 305.810 - Divesting of owner's legal or equitable interests in aircraft.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 305 305.810. Divesting of owner's legal or equitable interests in aircraft. —1. Any person acquiring a legal interest in an aircraft under sections 305.800 to 305.810 shall be the lawful owner of the aircraft and all other legal or equitable interests in that aircraft shall be divested; provided that, the holder of any legal or equitable interest was notified of the intended disposal of the aircraft as required under sections 305.800 to 305.810. 2. The airport superintendent may issue documents of disposition to the purchaser or recipient of an aircraft disposed of under sections 305.800 to 305.810. ---------- (L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.010 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.010. Definitions. —As used in this chapter the following terms mean: (1)"Motorboat", any vessel propelled by machinery, whether or not such machinery is a principal source of propulsion; (2)"Operate", to navigate or otherwise use a motorboat or a vessel; (3)"Operator", the person who operates or has charge of the navigation or use of a vessel; (4)"Owner", a person other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest of another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security; (5)"Parasailing", the towing of any person equipped with a parachute or kite equipment by any watercraft operating on the waters of this state; (6)"Personal watercraft", a class of vessel, which is less than sixteen feet in length, propelled by machinery which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside the vessel; (7)"Skiing", any activity that involves a person or persons being towed by a vessel, including but not limited to waterskiing, wake boarding, wake surfing, knee boarding, and tubing; (8)"Vessel", every motorboat and every description of motorized watercraft, and any watercraft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, used or capable of being used as a means of transportation on water, but not any watercraft having as the only means of propulsion a paddle or oars; (9)"Water patrol division of the state highway patrol"or"water patrol division", the division responsible for enforcing the provisions of this chapter on the waters of this state. The revisor of statutes is instructed to replace the terms "Missouri state water patrol" or "state water patrol" wherever those terms exist in this chapter with the term "water patrol division"; (10)"Watercraft", any boat or craft, including a vessel, used or capable of being used as a means of transport on waters; (11)"Waters of this state", any waters within the territorial limits of this state and lakes constructed or maintained by the United States Army Corps of Engineers except bodies of water owned by a person, corporation, association, partnership, municipality or other political subdivision, public water supply impoundments, and except drainage ditches constructed

by a drainage district, but the term does include any body of water which has been leased to or owned by the state department of conservation. ---------- (L. 1959 S.B. 142 § 1, A.L. 1969 S.B. 194, A.L. 1972 H.B. 1374, A.L. 1975 S.B. 264, A.L. 1979 S.B. 123, A.L. 1989 S.B. 135, A.L. 1995 H.B. 217, A.L. 2008 H.B. 1715, A.L. 2010 H.B. 1868)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.015 - Vessels, registration, procedure, fee — delinquent application, penalty fee — failure to obtain certificate of title, effect of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.015. Vessels, registration, procedure, fee — delinquent application, penalty fee — failure to obtain certificate of title, effect of. —1. The owner of a vessel kept within this state shall cause it to be registered in the office of the director of revenue who shall issue a certificate of title for the same. 2. The owner of any vessel acquired or brought into the state shall file his application for title within sixty days after it is acquired or brought into this state. The director of revenue may grant extensions of time for titling to any person in deserving cases. 3. The fee for the certificate of title shall be seven dollars fifty cents and shall be paid to the director of revenue at the time of making application. If application for certificate of title is not made within sixty days after the vessel is acquired or brought into the state, a delinquency penalty fee of ten dollars for each thirty days of delinquency, not to exceed a total of thirty dollars, shall be imposed. If the director of revenue learns that any person has failed to make application for certificate of title within sixty days after acquiring or bringing into the state a vessel or has sold a vessel without obtaining a certificate of title, he shall cancel the registration of all motorboats, vessels, and watercraft registered in the name of the person, either as sole owner or as co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section together with all fees, charges, and payments which he should have paid in connection with the certificate of title of the vessel. 4. In the event of a sale or transfer of ownership of a vessel or outboard motor for which a certificate of ownership or manufacturer's statement of origin has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the director of revenue, with a statement of all liens or encumbrances on such vessel or outboard motor, and deliver the same to the buyer at the time of delivery to the buyer of such vessel or outboard motor; provided that, when the transfer of a vessel or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer under sections 301.550 to 301.573 and this section, the provisions of subdivision (3) of subsection 7*of section 144.070 shall not apply. ---------- (L. 1985 H.B. 280, et al., A.L. 2008 H.B. 1715) *Statutory reference to subsection "6" changed to "7" in accordance with section 3.060 based on renumbering within section 144.070 in S.B. 89 and S.B. 368, 2019.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.016 - United States Coast Guard documented vessels, certificate of registration, requirements — fees and taxes — duration — temporary registration — termination — availability for inspection.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.016. United States Coast Guard documented vessels, certificate of registration, requirements — fees and taxes — duration — temporary registration — termination — availability for inspection. —1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number under section 306.030 and all applicable state and local or in lieu watercraft taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes or in lieu watercraft taxes have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration. 2. A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in-lieu watercraft tax, which is hereby imposed. The fee in lieu of tax imposed pursuant to this section shall not apply to United States Coast Guard registered vessels purchased for purposes of marine construction including, but not limited to, barges, dredges, marine cranes, and other marine equipment utilized for construction or dredging of waterways. The in-lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the

water patrol division. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in-lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in-lieu tax imposed by this subsection. Any person who fails to pay the in-lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in-lieu tax shall be determined as follows: 3. The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number under section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible. 4. The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued under this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance. 5. Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter. 6. The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation. ---------- (L. 1994 S.B. 477, et al., A.L. 1995 H.B. 217, A.L. 2003 H.B. 600) Effective 7-01-03

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.020 - Vessels to be numbered — number, where displayed.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.020. Vessels to be numbered — number, where displayed. —Every vessel on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any vessel on the waters of this state unless the vessel is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless the certificate of number awarded to the vessel is in full force and effect, and unless the identifying number set forth in the certificate of number is displayed on each side of the bow of the vessel. ---------- (L. 1959 S.B. 142 § 2, A.L. 1975 S.B. 264)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.030 - Certificate of number, application, procedure, contents, fee — numbers, how attached — numbers from federal or other state governments, reciprocity — permanent certificate, when — renewal of certificate, when, how — personal property tax statement and proof of payment required — deposit and use of fees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.030. Certificate of number, application, procedure, contents, fee — numbers, how attached — numbers from federal or other state governments, reciprocity — permanent certificate, when — renewal of certificate, when, how — personal property tax statement and proof of payment required — deposit and use of fees. —1. The owner of each vessel requiring numbering by this state shall file an application for number with the department of revenue on forms provided by it. The application shall contain a full description of the vessel, factory number or serial number, together with a statement of the applicant's source of title and of any liens or encumbrances on the vessel. For good cause shown the director of revenue may extend the period of time for making such application. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon issue an

appropriate certificate of title over the director's signature and sealed with the seal of the director's office, procured and used for such purpose, and a certificate of number stating the number awarded to the vessel. The application shall include a provision stating that the applicant will consent to any inspection necessary to determine compliance with the provisions of this chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee specified in subsection 10 of this section. The owner shall paint on or attach to each side of the bow of the vessel the identification number in a manner as may be prescribed by rules and regulations of the division of water safety in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever the vessel is in operation. The operator of a vessel in which such certificate of number is not available for inspection by the water patrol division or, if the operator cannot be determined, the person who is the registered owner of the vessel shall be subject to the penalties provided in section 306.210. Vessels owned by the state or a political subdivision shall be registered but no fee shall be assessed for such registration. 2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or within three feet of the transom or stern a factory number or serial number. 3. The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the sixty-day reciprocity period provided for in section 306.080. The recordation and payment of registration fee shall be in the manner and pursuant to the procedure required for the award of a number under subsection 1 of this section. No additional or substitute number shall be issued unless the number is a duplicate of an existing Missouri number. 4. In the event that an agency of the United States government shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this chapter by the department of revenue shall be in conformity therewith. 5. All records of the department of revenue made and kept pursuant to this section shall be public records. 6. A permanent certificate of number may be issued upon application and payment of three times the fee specified for the vessel under this section and three times any processing fee applicable to a three-year certificate of number for the vessel. Permanent certificates of number shall not be transferred to any other person or vessel, or displayed on any vessel other than the vessel for which it was issued, and shall continue in force and effect until terminated or discontinued in accordance with the provisions of this chapter. Every other certificate of number awarded pursuant to this chapter shall continue in force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this chapter. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030. 7. The department of revenue shall fix the days and months of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this chapter and may stagger such dates in order to distribute the workload. 8. When applying for or renewing a vessel's certificate of number, the owner shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the year in which the renewal is due and which reflects that the vessel being renewed is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due. 9. When applying for or renewing a certificate of registration for a vessel documented with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid personal property tax receipt for the tax year which immediately precedes the year in which the application is made or the renewal is due and which reflects that the vessel is listed as personal property and that all personal property taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township in which the owner's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due. 10. The fee to accompany each application for a certificate of number is: 11. The certificate of title and certificate of number issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. 12. For fiscal years ending before July 1, 2019, the first two million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of two million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division. 13. Beginning July 1, 2019, the first one million dollars collected annually under the provisions of this section shall be deposited into the state general revenue fund. All fees collected under the provisions of this section in excess of one million dollars annually shall be deposited in the water patrol division fund and shall be used exclusively for the water patrol division. 14. Notwithstanding the provisions of subsection 10 of this section, vessels at least sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall accompany each application for a certification number. ---------- (L. 1959 S.B. 142 § 3, A.L. 1969 S.B. 194, A.L. 1975 S.B. 264, A.L. 1985 H.B. 280, et al., A.L. 1995 H.B. 217, A.L. 2006 S.B. 778, A.L. 2008 H.B. 1715, A.L. 2018 H.B. 1355, A.L. 2021 S.B. 49) CROSS REFERENCES: Penalty provisions for violations of this section, 306.210 Use tax must be paid to register, 144.613

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.031 - New or replacement identification number of motor or vessel — securing of number — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.031. New or replacement identification

number of motor or vessel — securing of number — penalty. —1. If an original, manufacturer's, or other distinguishing number on any outboard motor or vessel has been destroyed, removed, covered, altered, defaced or is otherwise nonexistent, the director of revenue, upon application, payment of seven dollars and fifty cents, proper inspection, and satisfactory proof of ownership by the owner, shall issue a new or replacement identification number plate to be affixed to the outboard motor or vessel. The number plate shall be in the form prescribed by the director of revenue. 2. The owner or the owner's designee shall securely fasten the identification number plate immediately to the outside of the outboard motor or vessel close to the area where the original or manufacturer's identification number plate would typically be. After the identification number plate has been secured to the outboard motor or vessel as required, such number shall be the lawful number of the outboard motor or vessel for the purpose of identification and registration. No person shall destroy, remove, cover, alter or deface such number. Any person who violates the provisions of this subsection is guilty of a class B misdemeanor. ---------- (L. 1995 H.B. 217 § 2, A.L. 1997 H.B. 379) Effective 6-24-97

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.035 - Certificate of title, form of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.035. Certificate of title, form of. —The form of the certificate of title prescribed by section 306.030 shall be set by the director of revenue, and the certificate of title shall be issued as nearly as practicable as certificates of title for outboard motors are issued under the provisions of sections 306.530 to 306.575. ---------- (L. 1969 S.B. 194)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.040 - Certified number only on boat.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.040. Certified number only on boat. —No number other than the number awarded to a motorboat or granted reciprocity pursuant to this chapter shall be painted, attached, or otherwise displayed on either side of the bow of the motorboat. ---------- (L. 1959 S.B. 142 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.050 - Notice of change of address of certificate holder — procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.050. Notice of change of address of certificate holder — procedure. —Any holder of a certificate of number shall notify the department of revenue within fifteen days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of the notification, furnish the department of revenue with his new address. The department of revenue may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder. ---------- (L. 1959 S.B. 142 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.060 - Transfer of ownership of boat, application, fee — temporary certificate of number, fee — contents — dealer issue, record required, contents, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.060. Transfer of ownership of boat, application, fee — temporary certificate of number, fee — contents — dealer issue, record required, contents, penalty. —1. If the ownership of a vessel changes, the new owner shall file a new application form with the required fee with the department of revenue and a new certificate of number may be awarded in the same manner as provided in section 306.030 for an original award of number. 2. The department of revenue may issue a one-time temporary certificate of number authorizing the operation of a vessel by the purchaser for not more than thirty days. A temporary permit issued under this section is not renewable. The department of revenue shall provide the temporary certificates of number. A person may purchase a temporary certificate from the department of revenue with proof of purchase of a vessel or from the dealer when the vessel is purchased. The department shall provide temporary certificates of number to registered dealers in this state in sets of ten certificates. The fee for a temporary certificate of number shall be five dollars for each temporary certificate of number issued. A dealer may not charge more than five dollars for each temporary certificate of number issued by the dealer. The department of revenue shall prescribe the form for a temporary certificate of number. A temporary certificate of number is valid for the legal operation of a vessel only by the purchaser of the vessel from the date the certificate is issued for either thirty days or until proper title and registration have been obtained, whichever first occurs. A temporary certificate may not be transferred or displayed on any vessel other than the vessel for which it was issued. The department of revenue shall determine the size, number configuration, construction and color of the temporary certificates of number. 3. The department of revenue or the dealer or the dealer's authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary certificate of number when issued to the purchaser. The dealer shall also insert the dealer's number on the temporary certificate of number. Every dealer that issues a temporary certificate of number shall keep, for inspection by authorized officers, an accurate record of each temporary certificate of number issued by the dealer by recording the certificate of number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of number is to be used and the date of issuance. ---------- (L. 1959 S.B. 142 § 3, A.L. 1995 H.B. 217, A.L. 1997 H.B. 379) Effective 6-24-97 CROSS REFERENCE: Penalty provisions for violations of this section,

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.075 - Motorized amphibious vehicle, defined — treated as a vessel, not a motor vehicle, exceptions — license required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.075. Motorized amphibious vehicle, defined — treated as a vessel, not a motor vehicle, exceptions — license required. —A"motorized amphibious vehicle"is a self-propelled vehicle designed or used for transporting property or eight or more persons on the highways and waters of this state. A motorized amphibious vehicle shall not be considered a motor vehicle for the purpose of titling and registration as defined in chapter 301 and shall not be considered a commercial motor vehicle as defined in section 302.700. A motorized amphibious vehicle shall be treated as a vessel as defined in this chapter for the purposes of titling and registration and shall be subject to all provisions of this chapter. Such vehicles are to be treated as a motor vehicle only for the purposes of complying with the provisions of sections*302.010 to 302.605 and chapters 303, 304, 307 and 577 while the vehicle is being operated on the highways of this state. Every operator of a motorized amphibious vehicle shall hold a valid license to operate a motor vehicle when operating the vehicle on the highways of this state and is subject to any licensing requirements of the United States Coast Guard and the provisions of this chapter when operating such vehicle on the waters of this state. ---------- (L. 1989 1st Ex. Sess. H.B. 3 § 1) Effective 7-27-89 *Word "chapters" appears in original rolls.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.080 - Vessels exempt from numbering requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.080. Vessels exempt from numbering requirements. —A vessel shall not be required to be numbered under this chapter if it is: (1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state; except that the boat shall not have been within this state for a period in excess of sixty consecutive days; (2) A vessel from a country other than the United States using the waters of this state for not more than sixty consecutive days; (3) A vessel whose owner is the United States; (4) A ship's lifeboat which is used solely for lifesaving purposes; (5) A vessel documented by the United States Coast Guard or any federal successor thereto; or (6) A motorboat designed and intended solely for racing while competing in any race previously approved by the water patrol division in accordance with section 306.130. This exemption shall include operation within a twenty-four-hour period prior to such approved race in order to test or tune up the motorboat. ---------- (L. 1959 S.B. 142 § 5, A.L. 1969 S.B. 194, A.L. 1985 H.B. 280, et al., A.L. 1993 H.B. 218, A.L. 1994 S.B. 477, et al., A.L. 1995 H.B. 217)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.090 - Maximum sound levels for recreational motorboats — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.090. Maximum sound levels for recreational motorboats — exceptions. —1. It is unlawful for any person to operate a recreational motorboat upon the waters of this state in any manner under any condition so that the recreational motorboat emits sound at a level exceeding eighty-six decibels on an A-weighted scale when measured from a distance of fifty or more feet from the recreational motorboat. 2. This section shall not be construed so as to prohibit use of any exhaust system or device, including but not limited to those not discharging water with exhaust gases as long as the device or system emits sound at a level in compliance with subsection 1 of this section. 3. The provisions of this section do not apply to motorboats operated under permit pursuant to section 306.130, nor to trial runs for a period not exceeding the twenty-four hours immediately preceding a regatta or race, nor to official trials in competition for speed records for a period not exceeding the twenty-four hours immediately preceding a regatta or race. ---------- (L. 1959 S.B. 142 § 7, A.L. 1977 S.B. 151) CROSS REFERENCE: Peace disturbance, 574.010

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.100 - Classification of vessels — equipment requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.100. Classification of vessels — equipment requirements. —1. For the purpose of this section, vessels shall be divided into four classes as follows: (1) Class A, less than sixteen feet in length; (2) Class 1, at least sixteen and less than twenty-six feet in length; (3) Class 2, at least twenty-six and less than forty feet in length; (4) Class 3, forty feet and over. 2. All vessels shall display from sunset to sunrise the following lights when under way, and during such time no other lights, continuous spotlights or docking lights, or other nonprescribed lights shall be exhibited: (1) Vessels of classes A and 1: (a) A bright white light aft to show all around the horizon; (b) A combined light in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on their respective sides; (2) Vessels of classes 2 and 3: (a) A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225 degrees) of the compass, so fixed as to throw the light ten points (112 1/2 degrees) on each side of the vessel; namely, from right ahead to two points (22 1/2 degrees) abaft the beam on either side; (b) A bright white light aft to show all around the horizon and higher than the white light forward; (c) On the starboard side a green light so constructed as to show an unbroken

light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2 degrees) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 degrees) abaft the beam on the portside. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow; (3) Vessels of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by this section and a twelve point (135 degree) white light aft. Vessels of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened, prescribed by this section and a twelve point (135 degree) white light aft; (4) All vessels between the hours of sunset and sunrise that are not under way, moored at permanent dockage or attached to an immovable object on shore so that they do not extend more than fifty feet from the shore shall display one three-hundred-sixty-degree white light visible three hundred sixty degrees around the horizon; (5) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word"visible"in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere; (6) When propelled by sail and machinery every vessel shall carry the lights required by this section for a motorboat propelled by machinery only. 3. Any watercraft not defined as a vessel shall, from sunset to sunrise, carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. 4. Any vessel may carry and exhibit the lights required by the federal regulations for preventing collisions at sea, in lieu of the lights required by subsection 2 of this section. 5. All other watercraft over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by federal regulations. 6. Any watercraft used by a person engaged in the act of sport fishing is not required to display any lights required by this section if no other vessel is within the immediate vicinity of the first vessel, the vessel is using an electric trolling motor and the vessel is within fifty feet of the shore. 7. Every vessel, except those in class A, shall have on board at least one wearable personal flotation device of type I, II or III for each person on board and each person being towed who is not wearing one. Every such vessel shall also have on board at least one type IV throwable personal flotation device. 8. All class A motorboats and all watercraft traveling on the waters of this state shall have on board at least one type I, II, III or IV personal flotation device for each person on board and each person being towed who is not wearing one. 9. All lifesaving devices required by subsections 7 and 8 of this section shall be United States Coast Guard approved, in serviceable condition and so placed as to be readily accessible. The operator of any watercraft in violation of this subsection or subsection 7 or 8 of this section is guilty of an infraction and shall be fined not more than twenty-five dollars. Notwithstanding any provision of law or court rule to the contrary, no court costs shall be imposed on any person due to a violation of this subsection or subsection 7 or 8 of this section. 10. Every vessel which is carrying or using flammable or toxic fluid in any enclosure for any purpose, and which is not an entirely open vessel, shall have an efficient natural or mechanical ventilation system which must be capable of removing resulting gases prior to and during the time the vessel is occupied by any person. 11. Motorboats shall carry on board at least the following United States Coast Guard approved fire extinguishers: (1) Every class A and every class 1 motorboat carrying or using gasoline or any other flammable or toxic fluid, one B1 type fire extinguisher; (2) Every class 2 motorboat: (a) Two B1 type fire extinguishers; or (b) One B2 type fire extinguisher; or (c) A fixed fire extinguishing system and one B1 type fire extinguisher; and (3) Every class 3 motorboat: (a) Three B1 type fire extinguishers; or (b) One B2 type and one B1 type fire extinguisher; or (c) A fixed fire extinguishing system and one B2 type fire extinguisher; or (d) A fixed fire extinguishing system and two B1 type fire extinguishers. 12. All class 1 and 2 motorboats and vessels shall have a sounding device. All class 3 motorboats and vessels shall have at least a sounding device and one bell. 13. No person shall operate any watercraft which is not equipped as required by this section. 14. A water patrol division officer may direct the operator of any watercraft being operated without sufficient personal flotation devices, fire-fighting devices or in an overloaded or other unsafe condition or manner to take whatever immediate and reasonable steps are necessary for the safety of those aboard when, in the judgment of the officer, such operation creates a hazardous condition. The officer may direct the operator to return the watercraft to the nearest safe mooring and to remain there until the situation creating the hazardous condition is corrected. 15. A water patrol division officer may remove any unmanned or unattended watercraft from the water when, in the judgment of the officer, the watercraft creates a hazardous condition. 16. Nothing in this section shall prohibit the use of additional specialized lighting used in the act of sport fishing. ---------- (L. 1959 S.B. 142 § 4, A.L. 1969 S.B. 194, A.L. 1977 H.B. 176, A.L. 1985 H.B. 280, et al., A.L. 1989 S.B. 135, A.L. 2008 H.B. 1715, A.L. 2015 H.B. 269 merged with S.B. 231, A.L. 2018 H.B. 2116)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.109 - Alcoholic drinking devices and containers prohibited on rivers — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.109. Alcoholic drinking devices and containers prohibited on rivers — violation, penalty. —1. No person shall possess or use beer bongs or other drinking devices used to consume similar amounts of alcohol on the rivers of this state. As used in this section, the term"beer bong"includes any device that is intended and designed for the rapid consumption or intake of an alcoholic beverage, including but not limited to funnels, tubes, hoses, and modified containers with additional vents. 2. No person shall possess or use any large volume alcohol containers that hold more than four gallons of an alcoholic beverage on the rivers of this state. 3. Any person who violates the provisions of this section is guilty of a class A misdemeanor. 4. The provisions of this section shall not apply to persons on the Mississippi River, Missouri River, or Osage River. ---------- (L. 2009 H.B. 62, A.L. 2011 S.B. 135)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.113 - Operate defined — probable cause required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.113. Operate defined — probable cause required. —1. For purposes of sections 306.111 to 306.119*, the term"operate"means to physically control the movement of a vessel in motion under mechanical or sail power in water. 2. No arrest shall be made under sections 306.111 to 306.119*unless probable cause exists for that arrest. ---------- (L. 1993 S.B. 167) Effective 6-30-93 *Section 306.111 was transferred to section 577.025 and the following sections were repealed by S.B. 491, 2014, effective 1-01-17:

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.115 - Parasailing, requirements, prohibited, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.115. Parasailing, requirements, prohibited, when. —1. No person shall engage in the activity of parasailing unless there is in the watercraft a person of at least twelve years of age, in addition to the operator, in a position to observe the progress of the person or persons being towed. 2. No person shall engage in the activity of parasailing during the time between sunset and sunrise. ---------- (L. 1989 S.B. 135) Effective 5-25-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.120 - Towing persons on skis or surfboard, regulations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.120. Towing persons on skis or surfboard, regulations. —1. No person shall operate a vessel on any waters of this state for towing a person or persons on water skis, or a surfboard, or similar device unless there is in the vessel a person, in addition to the operator, in a position to observe the progress of the person or persons being towed, unless such vessel is equipped with a ski mirror as approved by the division of water safety. 2. No person shall operate a vessel on any waters of this state towing a person or persons on water skis, a surfboard, or similar device, nor shall any person engage in water skiing, surfboarding, or similar activity during the time between sunset and sunrise. 3. The provisions of subsections 1 and 2 of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under section 306.130. 4. No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in a way to cause the water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person. ---------- (L. 1959 S.B. 142 § 12, A.L. 1969 S.B. 194)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.122 - Motorboat or vessel operator, minimum age, exceptions, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.122. Motorboat or vessel operator, minimum age, exceptions, penalty. —No person under fourteen years of age shall operate any motorboat or vessel upon the waters of this state unless such person is under the direct on-board supervision of a parent, guardian or other person sixteen years of age or older, or unless the motorboat is moored. No person shall authorize or knowingly permit a motorboat owned by such person or under the person's control to be operated on the waters of this state in violation of this section, nor shall a parent or guardian authorize or knowingly permit such a child, under fourteen years of age, to operate a motorboat in violation of this section. ---------- (L. 1969 S.B. 194 § 2, A.L. 1995 H.B. 217, A.L. 1997 H.B. 379) Effective 6-24-97 CROSS REFERENCE: Penalty provisions for violations of this section, 306.210

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.124 - Aids to navigation and regulatory markers defined — water patrol may mark waters, hearing, notice — markings, effect of — disaster, closing of certain waters — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.124. Aids to navigation and regulatory markers defined — water patrol may mark waters, hearing, notice — markings, effect of — disaster, closing of certain waters — violation, penalty. —1. (1)"Aids to navigation"means buoys, beacons or other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels. (2)"Regulatory markers"means any anchored or fixed markers in or on the water or signs on the shore or on bridges over the water other than aids to navigation and shall include but not be limited to bathing markers, speed zone markers, information markers, danger zone markers, boat keep-out areas, and mooring buoys. 2. The water patrol division after a public hearing pursuant to notice thereof published not less than ten days prior thereto in each county to be affected may provide for the uniform marking of the water areas in this state through the placement of aids to navigation and regulatory markers. The water patrol division shall establish a marking system compatible with the system of aids to navigation prescribed by the United States Coast Guard. No city, county, or person shall mark or obstruct the water of this state in any manner so as to endanger the operation of watercraft or conflict with the marking system prescribed by the water patrol division. 3. Whenever, due to any actual or imminent man-made or natural disaster, the navigation or use of any waters of this state presents an unreasonable danger to persons or property, the water patrol division may, with the consent of the director of the department of

public safety, close such waters. 4. The operation of any watercraft within prohibited areas that are marked shall be prima facie evidence of negligent operation. 5. It shall be unlawful for any person to operate a watercraft on the waters of this state in a manner other than that prescribed or permitted by regulatory markers. 6. No person shall moor or fasten a watercraft to or willfully damage, tamper, remove, obstruct, or interfere with any aid to navigation or regulatory marker established pursuant to sections 306.010 to 306.126. ---------- (L. 1969 S.B. 194 § 3, A.L. 1985 H.B. 280, et al., A.L. 1989 S.B. 135, A.L. 2002 S.B. 712, A.L. 2008 H.B. 1715)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.125 - Operation of watercraft, how — restricted areas, certain vessels, speed allowed, penalty for violations — rulemaking authority — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.125. Operation of watercraft, how — restricted areas, certain vessels, speed allowed, penalty for violations — rulemaking authority — exceptions. —1. Every person shall operate a motorboat, vessel or watercraft in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care. 2. No person shall operate a motorboat, vessel or watercraft at any time from a half-hour after sunset until an hour before sunrise the following day at a speed exceeding thirty miles per hour. 3. Vessels shall not be operated within one hundred feet of any dock, pier, occupied anchored boat or buoyed restricted area on any lake at a speed in excess of slow-no wake speed. The operator of any watercraft in violation of this subsection is guilty of an infraction and shall be fined not more than twenty-five dollars; however, if the operator cannot be identified, the owner of the watercraft shall be subject to such penalty. Notwithstanding any provision of law or court rule to the contrary, no court costs shall be imposed on any person due to a violation of this subsection. 4. The department of public safety shall promulgate all necessary rules and regulations for the implementation and administration of a no-wake cove for class 3 vessels in a cove with its main juncture less than 800 feet, measured from shore to shore, at the main channel. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void. 5. Subsection 1 of this section shall not apply to a motorboat or other boat race authorized under section 306.130. ---------- (L. 1989 S.B. 135, A.L. 1995 H.B. 217, A.L. 1997 H.B. 379, A.L. 2008 H.B. 1715, A.L. 2018 H.B. 2116) CROSS REFERENCE: Penalty provisions for violations of this section, 306.210

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.126 - Motorboats, regulations as to passenger seating while under way — person in water, flag required, when — slow speed required, when — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.126. Motorboats, regulations as to passenger seating while under way — person in water, flag required, when — slow speed required, when — penalty. —1. The operator of a motorboat shall not allow any person to ride or sit on the gunwales, decking over the bow, railing, top of seat back or decking over the back of the motorboat while under way, unless such person is inboard of adequate guards or railing provided on the motorboat to prevent a passenger from being lost overboard. As used in this section, the term"adequate guards or railing"means guards or railings having a height parameter of at least six inches but not more than eighteen inches. Nothing in this section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of the boat to moor it to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose. The provisions of this section shall not apply to vessels propelled by sail or vessels propelled by jet motors or propellers operating on a stretch of waterway not created or widened by impoundment. 2. Whenever any person leaves any watercraft, other than a personal watercraft, on the waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall display on the watercraft a red or orange flag measuring not less than twelve inches by twelve inches. The provisions of this subsection shall not apply to watercraft that is moored or anchored. The flag required by this subsection shall be visible for three hundred sixty degrees around the horizon when displayed and shall be displayed only when an occupant of the watercraft has left the confines of the watercraft and entered the water. The flag required by this subsection shall not be displayed when the watercraft is engaged in towing any person, but shall be displayed when such person has ceased being towed and has reentered the water. 3. No operator shall knowingly operate any watercraft within fifty yards of a flag required by subsection 2 of this section at a speed in excess of a slow-no wake speed. ---------- (L. 1969 S.B. 194 § 4, A.L. 1989 S.B. 135, A.L. 1995 H.B. 217, A.L. 1997 H.B. 379, A.L. 2018 H.B. 1355 merged with H.B. 2116) CROSS REFERENCE: Penalty provisions for violations of this section, 306.210

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.127 - Boating safety identification card required, when, requirements, fee — inapplicable, when — temporary boater safety identification card issued, when, rules, fee authorized, expiration date.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.127. Boating safety identification card required, when, requirements, fee — inapplicable, when — temporary boater safety identification card issued, when, rules, fee authorized, expiration date. —1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to

section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the water patrol division or its agent which shows that he or she has: (1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the water patrol division. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The water patrol division may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The water patrol division shall maintain a list of approved courses; or (2) Successfully passed an equivalency examination prepared by the water patrol division and administered by the water patrol division or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or (3) A valid master's, mate's, or operator's license issued by the United States Coast Guard. 2. The water patrol division or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law. 3. The water patrol division may charge a fee for such card or any replacement card that does not substantially exceed the costs of administrating this section. The water patrol division or its designated agent shall collect such fees. These funds shall be forwarded to general revenue. 4. The provisions of this section shall not apply to any person who: (1) Is licensed by the United States Coast Guard to serve as master of a vessel; (2) Operates a vessel only on a private lake or pond that is not classified as waters of the state; (3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less; (4) Is participating in an event or regatta approved by the water patrol; (5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA); (6) Is exempted by rule of the water patrol; (7) Is currently serving in any branch of the United States Armed Forces, reserves, or Missouri National Guard, or any spouse of a person currently in such service; or (8) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA). 5. The water patrol division shall inform other states of the requirements of this section. 6. No individual shall be detained or stopped strictly for the purpose of checking whether the individual possesses a boating safety identification card or a temporary boater education permit. *7. Any person or company that rents or sells vessels may issue a temporary boating safety identification card to an individual to operate a rented vessel or a vessel being considered for sale, for a period of up to seven days, provided that the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant shall provide a valid driver's license and shall sign an affidavit that he or she has reviewed the Missouri state highway patrol handbook of Missouri boating laws and responsibilities. Any individual holding a valid temporary boating safety identification card shall be deemed in compliance with the requirements of this section. The Missouri state highway patrol shall charge a fee of nine dollars for such temporary boating safety identification card. Individuals shall not be eligible for more than one temporary boating safety identification card. No person or company may issue a temporary boating safety identification card to an individual under the provisions of this subsection unless such person or company is capable of submitting the applicant's temporary boating safety identification card information and payment in an electronic format as prescribed by the Missouri state highway patrol. The business entity issuing a temporary boating safety identification card to an individual under the provisions of this subsection shall transmit the applicant's temporary boating safety identification card information electronically to the Missouri state highway patrol, in a manner and format prescribed by the superintendent, using an electronic online registration process developed and provided by the Missouri state highway patrol. The electronic online process developed and provided by the Missouri state highway patrol shall allow the applicant to pay the temporary boating safety identification card fee by credit card or debit card. Notwithstanding any provision in section 306.185 to the contrary, all fees collected under the authority of this subsection shall be deposited in the water patrol division fund. The Missouri state highway patrol shall promulgate rules for developing the temporary boating safety identification card and any requirements necessary to the issuance, processing, and payment of the temporary boating safety identification card. The Missouri state highway patrol shall, by rule, develop a boating safety checklist for each applicant seeking a temporary boating safety identification card. Nothing in this subsection shall allow a holder of a temporary boating safety identification card to receive a notation on the person's driver's license or nondriver identification under section 302.184. The provisions of this subsection shall expire on December 31, 2032. ---------- (L. 2003 S.B. 1, A.L. 2004 S.B. 1259, A.L. 2012 H.B. 1402 merged with S.B. 568 merged with S.B. 719, A.L. 2014 S.B. 785, A.L. 2020 H.B. 1963) *Subsection 7 expires 12-31-32

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.128 - Boating offenses, offender requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.128. Boating offenses, offender requirements. —Beginning January 1, 2005, any person convicted of an offense pursuant to section 577.024*, 577.025*, 306.112**, 306.127, 306.132, or 306.141**shall: (1) Enroll in and successfully complete, at his or her own expense, a boating safety education course that meets minimum standards established by the water patrol by rule; (2) File with the court proof of successful completion of such course and submit a certified copy to the water patrol; and (3) Not operate a vessel until such filing. ---------- (L. 2003 S.B. 1) *Section 306.110 was transferred to section 577.024 and section 306.111 was transferred to section 577.025 by S.B. 491, 2014, effective 1-01-17. **Sections 306.112 and 306.141 were repealed by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.129 - Rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.129. Rulemaking authority. —1. The water patrol division is authorized to promulgate such rules as are necessary to effectuate the provisions of sections 306.127 and 306.128. 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void. ---------- (L. 2003 S.B. 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.130 - Regattas, races and other activities, authorization, regulation of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.130. Regattas, races and other activities, authorization, regulation of. —1. The water patrol division shall authorize the holding of regattas, motorboat or other watercraft races, marine parades, tournaments, parasail operations or exhibitions on any waters of this state when it has determined that said event will not create conditions of excessive danger for the participants, observers or operators of other watercraft nor unduly disrupt navigation. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other watercraft and persons thereon, either observers or participants. Whenever a regatta, motorboat or other watercraft race, marine parade, tournament, parasail operation or exhibition is proposed to be held, the person in charge thereof shall, at least fifteen days prior thereto, file an application with the water patrol division for permission to hold the regatta, motorboat or other watercraft race, marine parade, tournament, parasail operation or exhibition, and it shall not be conducted without authorization of the water patrol division in writing. 2. The provisions of this section shall not exempt any person from compliance with applicable federal law or regulation, but nothing contained herein shall be construed to require the securing of a state permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States. ---------- (L. 1959 S.B. 142 § 13, A.L. 1985 H.B. 280, et al., A.L. 1989 S.B. 135) Effective 5-25-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.132 - Watercraft to stop on signal of water patrol or emergency watercraft, when — authorized speed near emergency watercraft — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.132. Watercraft to stop on signal of water patrol or emergency watercraft, when — authorized speed near emergency watercraft — penalty. —1. Any person operating a watercraft on the waters of this state shall stop such watercraft upon a signal of any member of the water patrol division and obey any other reasonable signal or direction of such member of the water patrol division given in directing the movement of traffic on the waters of this state. 2. Any person operating a watercraft upon the waters of this state shall immediately stop or position such watercraft in such a way as to give the right-of-way on the water to any emergency watercraft, as established by the water patrol division, when such emergency watercraft gives an audible signal by siren or gives a visible signal by having at least one lighted lamp exhibiting a red or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such emergency watercraft. 3. Vessels shall not be operated at a speed in excess of slow no-wake speed within one hundred feet of any emergency vessel that has red or blue lighting displayed. 4. Any person who violates the provisions of this section is guilty of a class C misdemeanor. ---------- (L. 1989 S.B. 135, A.L. 2008 H.B. 1715)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.140 - Accident or collision, duties of operator — report required, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.140. Accident or collision, duties of operator — report required, when. —1. It shall be the duty of the operator of a watercraft involved in a collision, accident, or other casualty, so far as the operator can do so without serious danger to the operator's watercraft, crew and passengers, to render to other persons affected by the collision, accident, or other casualty assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his or her name, address, and identification of his or her watercraft in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. 2. In the case of collision, accident, or other casualty involving a watercraft, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of five hundred dollars, shall file with the water patrol division a full description of the collision, accident, or other casualty, including such information as the patrol may, by regulation, require. ---------- (L. 1959 S.B. 142 § 10, A.L. 1985 H.B. 280, et al., A.L. 1989 S.B. 135, A.L. 2005 H.B. 353)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.142 - Personal watercraft, regulations — personal flotation devices — age restriction — reasonable and prudent operation — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.142. Personal watercraft, regulations —

personal flotation devices — age restriction — reasonable and prudent operation — exceptions. —1. No person shall operate a personal watercraft unless each person aboard is wearing a type I, type II, type III or type V personal flotation device approved by the United States Coast Guard. 2. A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach such lanyard to the person's body, clothing, or personal flotation device as appropriate for the specific vessel. 3. No person under fourteen years of age shall operate a personal watercraft on the waters of this state, except that a person under fourteen years of age may operate a personal watercraft if a person at least sixteen years of age is aboard the personal watercraft. 4. Every personal watercraft shall at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel when visibility around such vessel is obstructed, becoming airborne or completely leaving the water while crossing the wake of another vessel within one hundred feet of the vessel creating the wake, operating at a speed in excess of a slow-no wake speed within fifty feet of any vessel or any person in or on the water, and operating at such a speed and proximity to another vessel so as to require the operator to swerve to avoid collision, shall constitute unsafe or reckless operation of a personal watercraft. No person shall operate a personal watercraft on any waters of this state for towing a person or persons on water skis, or a surfboard, or similar device unless there is a person on the personal watercraft, in addition to the operator, or an approved ski mirror attached to the personal watercraft, in a position to observe the progress of the person or persons being towed. 5. No person who owns a personal watercraft or who has charge over or control of a personal watercraft shall authorize or knowingly permit the personal watercraft to be operated in violation of this section, nor shall a parent or guardian authorize or knowingly permit a child of such parent or guardian to operate a personal watercraft in violation of this section. 6. The provisions of this section shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition for which a permit has been issued by the water patrol division. ---------- (L. 1995 H.B. 217, A.L. 1997 H.B. 379) Effective 6-24-97 CROSS REFERENCE: Penalty provisions for violations of this section, 306.210

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.147 - Muffler, defined — noise level regulation, muffler system required, certification of manufacturer — exceptions — on-site test to measure noise levels, penalty — application of section.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.147. Muffler, defined — noise level regulation, muffler system required, certification of manufacturer — exceptions — on-site test to measure noise levels, penalty — application of section. —1. As used in this section, the term"muffler"means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual noise. 2. Effective January 1, 1996, a person shall not manufacture, sell or offer for sale or operate in this state any motorboat manufactured after that date that exceeds the noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005. All motorboats manufactured prior to January 1, 1996, shall not exceed eighty-six decibels on an A-weighted scale when subjected to a sound level test as prescribed by SAE J34 when measured from a distance of fifty or more feet from the motorboat. 3. No person shall remove, alter or otherwise modify in any way a muffler or muffler system in a manner which will prevent it from being operated in accordance with this section. Nothing in this section shall preclude a person from removing, altering or modifying a muffler or muffler system so long as the muffler or muffler system continues to comply with subsection 2 of this section. This section shall not be construed so as to prohibit the use of any exhaust system or device, including but not limited to those not discharging water with exhaust gases, so long as the device or system is in compliance with subsection 2 of this section. 4. No motorboat shall be equipped with any electrical or mechanical device or switch that when manipulated in any manner would allow the muffler or exhaust system to emit a noise level that exceeds the maximums in subsection 2 of this section. 5. Effective January 1, 1996, a person shall not manufacture, nor shall any person sell or offer for sale any motorboat which is manufactured after January 1, 1996, which is equipped with a muffler or muffler system which does not comply with this section. The subsection shall not apply to power vessels designed, manufactured and sold for the sole purpose of competing in racing events and for no other purpose. Any such exemption or exception shall be documented in every sale agreement and shall be formally acknowledged by signature on the part of both the buyer and the seller. Copies of such agreement shall be maintained by both parties. A copy of such agreement shall be kept on board whenever the motorboat is operated. Any motorboat sold under this exemption may only be operated on the waters of this state in accordance with subsection 7 of this section. 6. As of January 1, 1996, every manufacturer which delivers a new motorboat for sale in this state shall certify, if the purchaser or dealer makes a request in writing, that the decibel level of the motorboat engine, muffler and exhaust system, as delivered to any licensed dealer in this state, does not exceed the noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005. Such certificate of decibel level from the manufacturer shall be given by the dealer to the purchaser of the new motorboat if the motorboat is sold for use upon the waters of this state. The purchaser shall sign a statement acknowledging receipt of the certificate of decibel level which shall be supplied by the dealer. The dealer shall represent by affidavit whether or not the engine or muffler system of the new motorboat being sold has been altered or modified in any way. 7. The provisions of this section shall not apply to motorboats registered and actually participating in a racing event or tune-up periods for such racing events or to a motorboat being operated by a boat or engine manufacturer for the purpose of testing or development. The operator of any motorboat operated upon the waters of this state for the purpose of a tune-up for a sanctioned race or for testing or development by a boat or engine manufacturer shall at all times have in such operator's possession and produce on demand by a law enforcement officer a test permit issued by the water patrol division. For the purpose of races or racing events, such race shall only be sanctioned when conducted in accordance with and

approved by the United States Coast Guard or this state. 8. Any officer authorized to enforce the provisions of this section who has probable cause to believe that a motorboat is not in compliance with the noise levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer chooses, and the operator shall comply with such request. The owner of any motorboat which violates any provision of this section shall have sixty days from the date of the violation to bring the motorboat into compliance with the provisions of this section. Thereafter, it shall be the owner's responsibility to have the motorboat tested by the water patrol division. If the motorboat fails the water patrol division test, the owner shall immediately moor the motorboat and shall keep the motorboat moored until the water patrol division certifies that the motorboat is in compliance with the provisions of this section. Any person who fails to comply with a request or direction of an officer made pursuant to this subsection is guilty of a class C misdemeanor. Nothing in this subsection shall be construed to limit the officer's ability to enforce this section and to issue citations to the owner or operator of any motorboat during the sixty-day compliance period. 9. Any officer who conducts motorboat sound level tests as provided in this section shall be qualified in motorboat noise testing by the department of public safety. Such qualifications shall include but may not be limited to the selection of the measurement site, and the calibration and use of noise testing equipment in accordance with the testing procedure prescribed by SAE J2005 and SAE J34. 10. Unless otherwise indicated, any person who knowingly violates this section is guilty of an infraction for a first offense with a penalty not to exceed one hundred dollars, is guilty of an infraction for a second offense with a penalty not to exceed two hundred dollars, and is guilty of an infraction for a third or subsequent offense with a penalty not to exceed three hundred dollars. 11. This section shall not apply to motorboats not intended for use in this state. ---------- (L. 1995 H.B. 217, A.L. 1997 H.B. 379, A.L. 2005 H.B. 353, A.L. 2008 H.B. 1715)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.150 - Watercraft livery — records — equipment to be furnished.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.150. Watercraft livery — records — equipment to be furnished. —1. The owner or operator of a watercraft livery shall cause a record to be kept of the name and address of the person or persons hiring any watercraft which is designed or permitted by the owner to be operated as a watercraft, the identification number of vessels hired, the departure date and time, and the expected time of return. The record shall be preserved for at least six months and shall be available for inspection upon request by any law enforcement officer of this state. 2. Neither the owner of a watercraft livery, nor the owner's agent or employee shall permit any watercraft to depart from the owner's premises unless the watercraft has been equipped, either by the owner or the renter, with the equipment required pursuant to section 306.100 or any rules or regulations made pursuant to such section. ---------- (L. 1959 S.B. 142 § 6, A.L. 1985 H.B. 280, et al., A.L. 1995 H.B. 217) CROSS REFERENCE: Penalty provisions for violations of this section, 306.210

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.165 - Water patrol officer, powers, duties and jurisdiction of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.165. Water patrol officer, powers, duties and jurisdiction of. —Each patrol officer assigned to the water patrol division by the superintendent of the highway patrol as provided in section 43.390 shall possess all the powers of a peace officer to enforce all laws of this state, upon all of the following: (1) The waterways of this state bordering the lands set forth in subdivisions (2), (3), (4), and (5) of this section; (2) All federal land, where not prohibited by federal law or regulation, and state land adjoining the waterways of this state; (3) All land within three hundred feet of the areas in subdivision (2) of this section; (4) All land adjoining and within six hundred feet of any waters impounded in areas not covered in subdivision (2) with a shoreline in excess of four miles; (5) All land adjoining and within six hundred feet of the rivers and streams of this state; (6) Any other jurisdictional area, pursuant to the provisions of section 306.167; (7) All premises leased or owned or under control of the Missouri state highway patrol.--Each patrol officer assigned to the water patrol division may board any watercraft at any time, with probable cause, for the purpose of making any inspection necessary to determine compliance with the provisions of this chapter. Each patrol officer may arrest on view and without a warrant any person he or she sees violating or who such patrol officer has reasonable grounds to believe has violated any law of this state, upon any water or land area subject to his or her jurisdiction as provided in this section or may arrest anyone violating any law in his or her presence throughout the state. Each patrol officer, while investigating an accident or crime that was originally committed within such patrol officer's jurisdiction, as set forth in this section, may arrest any person who he or she has probable cause to believe has committed such crime, even if the suspect is currently out of the division of water patrol's jurisdiction. Patrol officers, if practicable, shall notify the sheriff or the police department prior to making an arrest within their respective county or city. Each patrol officer shall comply with the training and certification provisions of chapter 590. --Each patrol officer assigned to the water patrol division may board any watercraft at any time, with probable cause, for the purpose of making any inspection necessary to determine compliance with the provisions of this chapter. Each patrol officer may arrest on view and without a warrant any person he or she sees violating or who such patrol officer has reasonable grounds to believe has violated any law of this state, upon any water or land area subject to his or her jurisdiction as provided in this section or may arrest anyone violating any law in his or her presence throughout the state. Each patrol officer, while investigating an accident or crime that was originally committed within such patrol officer's jurisdiction, as set forth in this section, may arrest any person who he or she has probable cause to believe has committed such crime, even if the suspect is currently out of the division of water patrol's jurisdiction. Patrol officers, if practicable, shall notify the sheriff or the police department prior to making an arrest within their respective county or city. Each patrol officer shall comply with the training and

certification provisions of chapter 590. ---------- (L. 1963 p. 424 §1, A.L. 1971 S.B. 2, A.L. 1977 S.B. 194, A.L. 1985 H.B. 280, et al., A.L. 1989 S.B. 135, A.L. 2001 H.B. 732 merged with S.B. 443, A.L. 2004 S.B. 920, A.L. 2010 H.B. 1868) CROSS REFERENCE: Scholarships or grants for disabled personnel injured or survivors of personnel killed in the line of duty, 173.260

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.167 - Powers of peace officer when working in cooperation with other law enforcement agency.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.167. Powers of peace officer when working in cooperation with other law enforcement agency. —The uniformed members of the water patrol division, with the exception of radio personnel, shall have full power and authority as now or hereafter vested by law in peace officers when working with and at the special request of the sheriff of any county, the chief park ranger of any first class county not having a charter form of government and containing a portion of a city with a population exceeding four hundred thousand inhabitants, the chief of police of any city, or the superintendent of the state highway patrol; provided, however, that such power and authority shall be exercised only upon the prior notification of the chief law enforcement officer of each jurisdiction. ---------- (L. 1989 S.B. 135, A.L. 2004 S.B. 920, A.L. 2010 H.B. 1868)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.168 - Search warrants, water patrol division may request application for and serve, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.168. Search warrants, water patrol division may request application for and serve, when. —In the investigation of an accident or crime that was originally committed within such patrol officer's jurisdiction, as set forth in section 306.165, the members of the water patrol division may request that the prosecuting or circuit attorney apply for, and members of the water patrol division may serve, search warrants anywhere within the state of Missouri, provided the sheriff of the county in which the warrant is to be served, or his designee, shall be notified upon application by the applicant of the search warrant. The sheriff or his designee shall participate in serving the search warrant except for offenses pertaining to boating while intoxicated and the investigation of vessel accidents. Any designee of the sheriff shall be a deputy sheriff or other person certified as a peace officer under chapter 590. The sheriff shall always have a designee available. ---------- (L. 2004 S.B. 920 § 306.169, A.L. 2010 H.B. 1868)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.170 - Accident reports to United States on request.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.170. Accident reports to United States on request. —In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the water patrol division pursuant to subsection 2 of section 306.140 shall be transmitted to said official or agency of the United States. ---------- (L. 1959 S.B. 142 § 11, A.L. 1989 S.B. 135) Effective 5-25-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.180 - Motorboat fund in state treasury, source and use.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.180. Motorboat fund in state treasury, source and use. —All moneys collected and received by the department of revenue pursuant to this chapter shall be paid into the state treasury and shall, by the state treasurer, be placed in a separate fund to be known as the "Motorboat Fund", which is hereby established. No money shall be paid out of this fund except by appropriation of the general assembly for the purposes of the construction and maintenance of boating facilities, education and instruction in boating safety, the enforcement of this chapter, and to reimburse the counties for expenditures made in the enforcement of this chapter, upon the recommendation of the water patrol division. ---------- (L. 1959 S.B. 142 § 15, A.L. 1989 S.B. 135) Effective 5-25-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.185 - Water patrol division fund created, use of proceeds.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.185. Water patrol division fund created, use of proceeds. —1. There is hereby created in the state treasury the "Water Patrol Division Fund", which shall consist of money collected under section 306.030. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the expenses of the Missouri state highway patrol, water patrol division, including but not limited to personnel expense, training expense, and equipment expense for the purpose of enforcing the laws of this chapter. 2. Notwithstanding the provisions of section 33.080, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. 3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. ---------- (L. 2006 S.B. 778, A.L. 2010 H.B. 1868)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.190 - Applicability of regulations — local regulations — special local rules prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.190. Applicability of regulations — local regulations — special local rules prohibited. —1. The provisions of this chapter and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any watercraft shall be operated on the waters of this state, or when any activity regulated by this chapter shall take place thereon; but nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of watercraft the provisions of which are identical to the provisions of this chapter, amendments thereto or regulations issued thereunder; except that the ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments thereto or regulations issued thereunder. 2. Any city or subdivision of this state may adopt special rules and regulations with reference to the operation of watercraft on any waters owned by the city or political subdivision. 3. The provisions of this chapter shall not apply to farm ponds not commercially operated for boating purposes. 4. No city or political subdivision of this state shall adopt special rules and regulations with reference to restricting the operation of personal watercraft on waters of this state. ---------- (L. 1959 S.B. 142 § 14, A.L. 1985 H.B. 280, et al., A.L. 2008 H.B. 1715)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.200 - Peace officers to enforce.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.200. Peace officers to enforce. —Any peace officer of this state and its subdivisions shall and any agent of the conservation commission may enforce the provisions of this chapter and arrest violators thereof. ---------- (L. 1959 S.B. 142 § 16)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.210 - Penalties for violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.210. Penalties for violations. —Any person who violates any of the provisions of sections 306.015 to 306.060 and 306.090 to 306.150 for which no other penalty is provided is guilty of a class B misdemeanor. ---------- (L. 1959 S.B. 142 § 17, A.L. 1995 H.B. 217)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.215 - Inspections of boats, refusal of or interference with — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.215. Inspections of boats, refusal of or interference with — penalty. —Any person who refuses or interferes with the inspection of any boat or vessel located upon the waters of this state, when such inspection is conducted for the purpose of determining compliance with the provisions of this chapter, shall be guilty of a class B misdemeanor. ---------- (L. 1985 H.B. 280, et al. § 1) Effective 4-01-86

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.217 - Scuba diver's marker, flag required — flag described — boats to avoid — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.217. Scuba diver's marker, flag required — flag described — boats to avoid — penalty. —1. Persons engaged in the aquatic sports known as skin or scuba diving shall mark their general location within or under the water with a red flag with a diagonal white bar to be displayed on the water or from a boat or raft in the vicinity of the diver's location. All diving shall be within a fifty-yard radius of said flag. No warning flag shall be placed as to impede the normal flow of motorboat traffic. 2. No boat operator shall knowingly operate within fifty yards of such flag. 3. The water patrol division shall prescribe and define the size and method of locating the warning flag mentioned in subsection 1 of this section. 4. Any person who violates subsection 1 or 2 of this section is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. ---------- (L. 1972 S.B. 494 §§ 1 to 4, A.L. 1989 S.B. 135) Effective 5-25-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.220 - Personal flotation device, who must wear, when, exception, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.220. Personal flotation device, who must wear, when, exception, penalty. —Each person under the age of seven who is on board any watercraft which is on the waters of this state shall wear a personal flotation device which is approved by the United States Coast Guard. Any person who allows a person under the age of seven to be on board any watercraft which is on the waters of this state without wearing a personal flotation device shall be deemed guilty of a class C misdemeanor. This section does not apply when the person under the age of seven is in a part of a watercraft which is fully enclosed, where such enclosure will prevent such person from falling out of or being thrown from the watercraft. ---------- (L. 1989 S.B. 135) Effective 5-25-89

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.221 - Obstruction of traffic or access to boat docks — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.221. Obstruction of traffic or access to boat docks — violation, penalty. —1. No person shall operate or otherwise position a vessel or other object or any person in such manner as to obstruct or impede the normal flow of traffic on the waters of this state. 2. No person shall anchor a vessel positioned within one hundred feet of a permitted boat dock on the waters of this state in a manner that obstructs ingress or egress of watercraft to or from the dock, unless authorized by the boat dock permit holder. 3. No person shall secure a vessel to or enter upon a private permitted boat dock on the waters of this state unless authorized to do so by the boat dock permit holder. The provisions of this subsection shall not apply during inclement weather conditions or other emergencies, or actions taken to prevent an unsecured vessel from becoming a navigational hazard. 4. Any person who violates this section is guilty of an infraction. ---------- (L. 1995 H.B. 217 § 3, A.L. 1997 H.B. 379, A.L. 2008 H.B. 1715, A.L. 2021 S.B. 49)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.225 - Certain counties may regulate size and operation of watercraft on lakes, when (Clay and Jackson counties).

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.225. Certain counties may regulate size and operation of watercraft on lakes, when (Clay and Jackson counties). —Notwithstanding the provisions of section 306.190, to the contrary, any first class county containing all or part of a city with a population of at least four hundred thousand inhabitants may adopt orders or ordinances regulating the size and operation of watercraft upon lakes constructed or maintained by the United States Army Corps of Engineers within such county. Such orders or ordinances may be more, but shall not be less, stringent than the provisions of this chapter. Any law enforcement officer of such county may enforce the orders or ordinances adopted by the county pursuant to this section. ---------- (L. 1989 S.B. 135 § 1) Effective 5-25-89

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.250 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.250. Definitions. —As used in sections 306.250 to 306.290 the following words mean: (1)"Boats", any vessel or watercraft moved by oars, paddles, sails, or other power mechanism, inboard or outboard, or any other vessel or structure floating upon the water whether or not capable of self-locomotion, including but not limited to houseboats, barges and similar floating objects; (2)"Marine toilets", any toilet on or within any boat. ---------- (L. 1963 p. 424 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.260 - Boats not to discharge sewage, exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.260. Boats not to discharge sewage, exception. —All marine toilets on any boat, operated upon waters of the state, shall be so constructed and operated as to contain all sewage aboard the boat and not to discharge any sewage into the waters directly or indirectly. No boat shall be equipped to permit discharge from or through any marine toilet, or in any other manner, any sewage at any time into waters of the state, and all sewage when removed from any boat shall immediately be placed in an approved septic tank, sanitary lagoon or sewage treatment system. The provisions of sections 306.250 to 306.290 shall not apply to boats engaged in interstate commerce on the Missouri and Mississippi rivers. ---------- (L. 1963 p. 424 § 2, A.L. 1971 S.B. 123) Effective 1-01-73

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.270 - Marine toilets shall have suitable treatment device.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.270. Marine toilets shall have suitable treatment device. —Any marine toilet located on or within any boat operated on waters of the state shall have securely affixed to the interior discharge opening of the toilet a suitable treatment device in operating condition, constructed and fastened in accordance with regulations of the water pollution board or some other treatment facility or method authorized by regulation of the water pollution board. All sewage passing into or through the marine toilets shall pass solely through the devices. ---------- (L. 1963 p. 424 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.280 - Inspection of boats.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.280. Inspection of boats. —All boats located upon waters of this state are subject to inspection by the clean water commission or by a water patrolman during daylight hours for the purpose of determining compliance with the provisions of sections 306.250 to 306.290. ---------- (L. 1963 p. 424 § 4, A.L. 1971 S.B. 2, A.L. 1989 S.B. 135) Effective 5-25-89

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.290 - Penalties for violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.290. Penalties for violations. —Any person guilty of violating any of the provisions of sections 306.250 to 306.290 shall be guilty of a misdemeanor. ---------- (L. 1963 p. 424 § 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.300 - Definitions — marine sanitation device required — limitations — civil penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.300. Definitions — marine sanitation device required — limitations — civil penalty. —1. As used in this section, the following terms shall mean: (1)"Marine sanitation device", any equipment on board a vessel which is designed to receive, retain, treat or discharge sewage, and any process to treat sewage on board. Marine sanitation device includes: (a) Type I marine sanitation device, which produces an effluent having a fecal coliform bacteria count of not greater than one thousand per one hundred milliliters and no visible floating solids; (b) Type II marine sanitation device, which produces an effluent having a fecal coliform bacteria count not greater than two hundred per one hundred milliliters and suspended solids not greater than one hundred fifty milligrams per liter; and (c) Type III marine sanitation device, which is certified to a no-discharge standard, including recirculating and incinerating marine sanitation devices and holding tanks; (2)"Sewage", human body wastes, and the wastes from toilets and other receptacles intended to retain body waste; (3)"Vessel", every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water; (4)"Y valve", a device capable of diverting the flow of marine sewage so that a vessel's marine sanitation device is bypassed and raw sewage is discharged directly into the water. 2. The following vessels equipped with an installed toilet shall be equipped with an operable marine sanitation device: (1) A vessel sixty-five feet in length and under shall have a type I, II or III marine sanitation device; or (2) A vessel over sixty-five feet in length shall have a type II or III marine sanitation device. 3. (1) A type I or II marine sanitation device shall have a certification label affixed that at a minimum shows: (a) The name of the manufacturer; (b) The name and model number of the device; (c) The month and year of manufacture; (d) The marine sanitation device type; (e) A certification number; and (f) A certification statement; (2) A type III marine sanitation device is automatically certified and requires no label, provided it stores sewage and flushwater only at ambient air temperature and pressure. 4. While a vessel with an installed toilet is on Missouri waters, the operator shall ensure that: (1) All pathways for overboard discharge of vessel sewage from any vessel with a type III marine sanitation device are blocked or secured in such a way as to prevent any accidental or intentional vessel sewage discharge, by disconnecting or physically blocking the onboard sewage lines or hull fittings which would allow for overboard vessel sewage discharge; and (2) Any installed in-line Y valve shall be secured to prevent the overboard discharge of sewage from any vessel utilizing a type III marine sanitation device, by bypassing, locking, securing or disabling the valve using a padlock or nonreusable wire tie wrap, or by removal of the valve handle, or by any other method in accordance with federal regulations and standards or as approved or required by the water patrol division. 5. The chosen compliance method pursuant to subdivision (2) of subsection 4 of this section shall totally eliminate the possibility of overboard vessel sewage discharge while in waters of the state. The method chosen shall present a physical barrier to the use of the Y valve, whether accidental or intentional, so that use of the valve cannot occur without the knowledge of the operator of the vessel. 6. For any vessel offered as a noncaptained charter, the leasing entity shall: (1) Ensure that the vessel complies with this section when presented to the lessor; and (2) Include the lease agreement, signed by the leasing party, a paragraph outlining the operator's responsibilities pursuant to this section. 7. The provisions of this section shall not apply to any vessel operated upon the Mississippi River or the Missouri River. 8. A person who violates the provisions of this section is subject to a civil penalty not to exceed two thousand dollars. ---------- (L. 1998 H.B. 1161 § 1) Effective 6-09-98

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.325 - Vessels on navigable waterways, restrictions on transporting of foodstuffs and beverages — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.325. Vessels on navigable waterways, restrictions on transporting of foodstuffs and beverages — violation, penalty. —1. As used in this section, the following terms mean: (1)"Navigable waterway", any navigable river, lake, or other body of water located wholly or partly within this state and used by any vessel; (2)"Vessel", any canoe, kayak, or other watercraft which is easily susceptible to swamping, tipping, or rolling, but does not include any houseboat, party barge, runabout, ski boat, bass boat, excursion gambling boat as defined in section 313.800, or similar watercraft not easily susceptible to swamping, tipping, or rolling. 2. Any person entering, traveling upon, or otherwise using navigable or nonnavigable waterways by vessel or innertube and transporting foodstuffs or beverages shall: (1) Use a cooler, icebox, or similar nonglass container, and shall not use, other than containers for substances prescribed by a licensed physician, any glass container for beverages on a vessel within the banks of navigable waterways; (2) Use a cooler, icebox, or similar nonglass container sealed in a way which prevents the contents from spilling into the water; (3) Carry and affix to the vessel a container or bag suitable for containing refuse, waste, and trash materials and which is capable of being securely closed; (4) Transport all refuse, waste, and

trash materials to a place in which such materials may be safely and lawfully disposed; and (5) Shall safely secure any glass containers to protect them from breakage or discharge into any stream. 3. Any person who violates the provisions of this section is guilty of a class C misdemeanor. ---------- (L. 2004 H.B. 841)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.400 - Liens and encumbrances — valid, perfected, when, how, future advances — boats and motors subject to, when, how determined — revenue to establish security procedure, electronic notices, rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.400. Liens and encumbrances — valid, perfected, when, how, future advances — boats and motors subject to, when, how determined — revenue to establish security procedure, electronic notices, rulemaking authority. —1. As used in sections 306.400 to 306.440, the terms motorboat, vessel, and watercraft shall have the same meanings given them in section 306.010, and the term outboard motor shall include outboard motors governed by section 306.530. 2. Unless excepted by section 306.425, a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft shall not be valid against subsequent transferees or lienholders of the outboard motor, motorboat, vessel or watercraft, who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 306.400 to 306.430. 3. A lien or encumbrance on an outboard motor, motorboat, vessel or watercraft is perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed by the director. Such lien or encumbrance shall be perfected as of the time of its creation if the delivery of the items required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery. A notice of lien shall contain the name and address of the owner of the outboard motor, motorboat, vessel or watercraft and the secured party, a description of the outboard motor, motorboat, vessel or watercraft motor, including any identification number, and such other information as the department of revenue may prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Provided the lienholder submits complete and legible documents, the director of revenue shall mail confirmation or electronically confirm receipt of each notice of lien to the lienholder as soon as possible, but no later than fifteen business days after the filing of the notice of lien. 4. Notwithstanding the provisions of section 306.410, on a refinance by a different lender of a prior loan secured by an outboard motor, motorboat, vessel or watercraft, a lien is perfected by the delivery to the director of revenue of a notice of lien completed by the refinancing lender in a format prescribed by the director of revenue. 5. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" in the second lienholder's portion of the notice of lien. To secure future advances when an existing lien on an outboard motor, motorboat, vessel or watercraft does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows. Proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted for by the department of revenue, and returned to the lienholder. 6. Whether an outboard motor, motorboat, vessel, or watercraft is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, subject to the following: (1) If the parties understood at the time the lien or encumbrances attached that the outboard motor, motorboat, vessel, or watercraft would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state; (2) If the lien or encumbrance was perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, the following rules apply: (a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his or her lien or encumbrance continues perfected in this state; (b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the outboard motor, motorboat, vessel, or watercraft is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state; (3) If the lien or encumbrance was not perfected pursuant to the laws of the jurisdiction where the outboard motor, motorboat, vessel, or watercraft was when the lien or encumbrance attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state; (4) A lien or encumbrance may be perfected pursuant to paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section. 7. The director of revenue shall by rules and regulations establish a security procedure to verify that an electronic notice or lien or notice of satisfaction of a lien on an outboard motor, motorboat, vessel or watercraft given pursuant to sections 306.400 to 306.440 is that of the lienholder, to verify that an electronic notice of confirmation of ownership and perfection of a lien given pursuant to section 306.410 is that of the director of revenue and to detect error in the transmission or the content of any such notice. Such a security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself constitute a security procedure. ---------- (L. 1985 H.B. 280, et al. § 301.700, A.L. 1999 S.B. 19, A.L. 2000 S.B. 896, A.L. 2002 H.B.

2008 merged with S.B. 895, A.L. 2011 H.B. 550, A.L. 2012 H.B. 1150 merged with H.B. 1402 merged with S.B. 485)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.405 - Certificates of title, delivery of, how, to whom — lienholder may elect to have revenue retain electronic title.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.405. Certificates of title, delivery of, how, to whom — lienholder may elect to have revenue retain electronic title. —1. All certificates of title of an outboard motor, motorboat, vessel, or watercraft issued by the director of revenue shall be mailed to the owner named therein. If the certificate of ownership is being held electronically by the director of revenue at the election of a lienholder, then confirmation of such ownership shall be electronically transmitted or mailed to the first lienholder named in such certificate. 2. A lienholder may elect to have the director of revenue retain possession of an electronic certificate of title and the director shall issue regulations to govern the procedure for making such an election. Each such certificate of title shall require a separate election unless the director provides otherwise by regulation. A subordinate lienholder shall be bound by the election of the superior lienholder with respect to the certificate involved. 3."Electronic certificate of title"means any electronic record of ownership, including liens that may be recorded. ---------- (L. 1985 H.B. 280, et al. § 301.705, A.L. 1999 S.B. 19, A.L. 2002 H.B. 2008 merged with S.B. 895) Effective 8-28-02 (H.B. 2008); 7-01-03 (S.B. 895)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.410 - Duties of parties upon creation of lien or encumbrance — failure of owner to perform certain duties, penalty — name change, authorization to director required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.410. Duties of parties upon creation of lien or encumbrance — failure of owner to perform certain duties, penalty — name change, authorization to director required. —1. If an owner creates a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft: (1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his or her security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so is a class A misdemeanor; (2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119 shall deliver to the director of revenue a notice of lien as prescribed by the director accompanied by all other necessary documentation to perfect a lien pursuant to section 306.400; (3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs, the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a completed notice of lien to the department of revenue, accompanied by authorization from the first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application for title at the time the application is made to the department of revenue. To perfect a lien for a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the owner's application for title, certificate, notice of lien, authorization from the first lienholder and title fee to the department of revenue. The delivery of the certificate and executing a notice of authorization to add a subordinate lien does not affect the rights of the first lienholder under the security agreement; (4) Upon receipt of the documents and fee required in subdivision (3) of this section, the director of revenue shall issue a new certificate of title containing the name and address of the new lienholder, and mail the certificate of title to the owner named in it or if a lienholder has elected to have the director of revenue retain possession of an electronic certificate of title, the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate as prescribed in section 306.405. Upon receipt of such authorization and a notice of lien from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of title being electronically retained by the director and provide confirmation of the addition to both lienholders. 2. When an owner wants to add or delete a name or names on an application for certificates of title of an outboard motor, motorboat, vessel, or watercraft that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of title. ---------- (L. 1985 H.B. 280, et al. § 301.710, A.L. 1999 S.B. 19, A.L. 2000 S.B. 896, A.L. 2002 H.B. 2008 merged with S.B. 895, A.L. 2003 H.B. 221 merged with S.B. 346, A.L. 2009 H.B. 269)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.415 - Assignment of lien or encumbrance by lienholder, rights and obligations — perfection by assignee, how.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.415. Assignment of lien or encumbrance by lienholder, rights and obligations — perfection by assignee, how. —1. A lienholder may assign, absolutely or otherwise, his or her lien or encumbrance on the outboard motor, motorboat, vessel, or watercraft to a person other than the owner without affecting the interest of the owner or the validity or effect of the lien or encumbrance, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the lien or encumbrance and the lienholder shall remain liable for any obligations as lienholder until the assignee is named as lienholder on the certificate of title. 2. An assignee pursuant to subsection 1 of this section may, but need not to perfect the assignment, have the certificate of title issued with the assignee named as lienholder,

upon delivering to the director of revenue the certificate of title, an assignment by the lienholder named in the certificate of title, and the required fee in the form the director of revenue prescribes. 3. If the certificate of title is being electronically retained by the director of revenue, the original lienholder may mail or deliver a notice of assignment of lien to the director in a form prescribed by the director. Upon receipt of notice of assignment, the director shall update the electronic certificate of title to reflect the assignment of lien and lienholder. ---------- (L. 1985 H.B. 280, et al. § 301.715, A.L. 1999 S.B. 19)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.420 - Satisfaction of lien or encumbrance, release of, procedure — duties of lienholder and director of revenue — penalty for unauthorized release of a lien.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.420. Satisfaction of lien or encumbrance, release of, procedure — duties of lienholder and director of revenue — penalty for unauthorized release of a lien. —1. Upon the satisfaction of a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft, the lienholder shall within ten days execute a release of his or her lien or encumbrance on the certificate, on a separate document, or electronically under section 32.096 and any rules and regulations adopted thereunder, and mail or deliver the certificate or separate document to the owner or any person who delivers to the lienholder an authorization from the owner to receive the documentation. The release on the certificate or separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or encumbrance as provided in this section for the first lienholder. The owner may cause the certificate of title, the release, and the required fee to be mailed or delivered to the director of revenue, who shall release the lienholder's rights on the certificate and issue a new certificate of title. 2. If the electronic certificate of title is in the possession of the director of revenue, the lienholder shall notify the director within ten business days of any release of lien and provide the director with the most current address of the owner. The director shall note such release on the electronic certificate and if no other lien exists, the director shall mail or deliver the certificate free of any lien to the owner. 3. Any person who knowingly and intentionally sends in a separate document releasing a lien of another without authority to do so shall be guilty of a class D felony. ---------- (L. 1985 H.B. 280, et al. § 301.720, A.L. 1999 S.B. 19, A.L. 2000 S.B. 896, A.L. 2002 H.B. 2008 merged with S.B. 895, A.L. 2014 S.B. 491, A.L. 2015 H.B. 524) Effective 1-01-17

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.425 - Provisions of 306.400 to 306.430 exclusive — exceptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.425. Provisions of 306.400 to 306.430 exclusive — exceptions. —1. Sections 306.400 to 306.430 shall not apply to or affect: (1) A lien given by statute or rule of law to a supplier of services or materials for the outboard motor, motorboat, vessel, or watercraft; (2) A lien given by statute to the United States, this state or any political subdivision of this state; (3) A lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft created by a manufacturer or dealer who holds the outboard motor, motorboat, vessel, or watercraft for sale. 2. The method provided in sections 306.400 to 306.430 of perfecting and giving notice of liens or encumbrances subject to sections 306.400 to 306.430 is exclusive. ---------- (L. 1985 H.B. 280, et al. § 301.725) Effective 4-01-86

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.430 - Liens and encumbrances incurred before July 1, 2003 — how terminated, completed and enforced.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.430. Liens and encumbrances incurred before July 1, 2003 — how terminated, completed and enforced. —All transactions involving liens or encumbrances on outboard motors, motorboats, vessels, or watercraft entered into before July 1, 2003, and the rights, duties, and interests flowing from such transactions shall remain valid after July 1, 2003, and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or repealed by sections 306.400 to 306.430 as though such repeal or amendment had not occurred. ---------- (L. 1985 H.B. 280, et al. § 301.730, A.L. 2002 H.B. 2008 merged with S.B. 895) Effective 8-28-02 (H.B. 2008); 7-01-03 (S.B. 895)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.435 - Repossessed vessels, motorboats and outboard motors, certificate of title — application, procedure, fee, form of — notice — issued, when — director of revenue, duties, rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.435. Repossessed vessels, motorboats and outboard motors, certificate of title — application, procedure, fee, form of — notice — issued, when — director of revenue, duties, rulemaking authority. —1. When the holder of any indebtedness secured by a security agreement or other contract for security covering an outboard motor, motorboat, vessel, or watercraft who has a notice of lien on file with the director of revenue repossesses the outboard motor, motorboat, vessel, or watercraft either by legal process or in accordance with the terms of a contract authorizing the repossession of the outboard motor, motorboat, vessel, or watercraft without legal process, the holder may obtain a certificate of ownership from the director of revenue upon presentation of: (1) An application form furnished by the director of revenue which shall contain a full description of the outboard motor, motorboat, vessel, or watercraft and the manufacturer's or other identifying number; (2) A notice of lien receipt or the original certificate of ownership reflecting the holder's lien; and (3) An affidavit of the

holder, certified under penalties of perjury for making a false statement to a public official, that the debtor defaulted in payment of the debt, and that the holder repossessed the outboard motor, motorboat, vessel, or watercraft either by legal process or in accordance with the terms of the contract, and the specific address where the outboard motor, motorboat, vessel, or watercraft is held. Such affidavit shall also state that the lienholder has the written consent from all owners or lienholders of record to repossess the outboard motor, motorboat, vessel, or watercraft or has provided all the owners or lienholders with written notice of the repossession. 2. On an outboard motor, motorboat, vessel, or watercraft, the lienholder shall first give: (1) Ten days' written notice by first class United States mail, postage prepaid, to each of the owners and other lienholders, if any, of the outboard motor, motorboat, vessel, or watercraft at each of their last mailing addresses as shown by the last prior certificate of ownership, if any issued, or the most recent address on the lienholder's records, that an application for a repossessed title will be made; or (2) The lienholder may, ten days prior to applying for a repossession title, include the information in the above notice in the appropriate uniform commercial code notice under sections 400.9-613 or 400.9-614. Such alternative notice to all owners and lienholders shall be valid and enforceable under both the uniform commercial code and this section, provided it otherwise complies with the provisions of the uniform commercial code. 3. Upon the holder's presentation of the papers required by subsection 1 of this section and the payment of a fee of ten dollars, the director of revenue, if he is satisfied with the genuineness of the papers, shall issue and deliver to the holder a certificate of title which shall be in its usual form except it shall be clearly captioned "Repossessed Title". Each repossessed title so issued shall, for all purposes, be treated as an original certificate of ownership and shall supersede the outstanding certificate of ownership, if any, and duplicates thereof, if any, on the outboard motor, motorboat, vessel, or watercraft, all of which shall become null and void. 4. In any case where there is no certificate of ownership, or duplicate thereof, outstanding in the name of the debtor on the repossessed outboard motor, motorboat, vessel, or watercraft, the director of revenue shall issue a repossessed title to the holder and shall proceed to collect all unpaid fees, taxes, charges and penalties from the debtor as provided in sections 306.015, 306.030, 306.530 and 306.535, in addition to the fee specified in subsection 3 of this section. 5. The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void. ---------- (L. 1985 H.B. 280, et al. § 301.735, A.L. 2006 S.B. 892)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.440 - Owner's failure to indicate lienholder on title application, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.440. Owner's failure to indicate lienholder on title application, penalty. —Failure by the owner to indicate the lienholder of a lien or encumbrance attached to the outboard motor, motorboat, vessel, or watercraft at time of making application for title is a class A misdemeanor. ---------- (L. 1985 H.B. 280, et al. § 301.740, A.L. 2002 H.B. 2008)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.455 - Certificate of title for outboard motors and vessels in names of two or more persons, presumptions — exception.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.455. Certificate of title for outboard motors and vessels in names of two or more persons, presumptions — exception. —When the director of revenue issues a certificate of title for an outboard motor or vessel in the names of two or more persons, it shall be presumed that ownership of the outboard motor or vessel is held by the persons shown on the title as joint tenants with right of survivorship or as tenants by the entirety if the owners are husband and wife, unless at the time the application for a certificate of title is filed with the director of revenue, the application states that ownership of the outboard motor or vessel is held as tenants in common. ---------- (L. 1987 H.B. 605 § 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.456 - Certificate of title for outboard motors and vessels in one person's name, may be surrendered, new certificate issued for one or more other persons — fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.456. Certificate of title for outboard motors and vessels in one person's name, may be surrendered, new certificate issued for one or more other persons — fee. —A certificate of title for an outboard motor or vessel issued in the name of only one person, on application of that person and payment of the fee required for an original certificate of title, may be surrendered to and a new certificate issued by the director of revenue in the name of that person and one or more other persons; and the current valid certificate of number shall be so transferred into the names of the owners shown on the new certificate. ---------- (L. 1987 H.B. 605 § 7)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.458 - Certificate of title, two or more persons, not held as tenants in common, death of one tenant, transfer to surviving owners, procedure, fee — tenants in common, death of one tenant,

procedure to transfer, fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.458. Certificate of title, two or more persons, not held as tenants in common, death of one tenant, transfer to surviving owners, procedure, fee — tenants in common, death of one tenant, procedure to transfer, fee. —1. A certificate of title for an outboard motor or vessel issued in the names of two or more persons that does not show on the face of the certificate that the persons hold their interest in the outboard motor or vessel as tenants in common, on death of one of the named persons, may be transferred to the surviving owner or owners. On proof of death of one of the persons in whose names the certificate was issued, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate for the outboard motor or vessel to the surviving owner or owners; and the current valid certificate of number shall be so transferred. The directive to the director of revenue also shall permit the beneficiary or beneficiaries to make one reassignment of the original certificate of ownership upon the death of the owner to another owner without transferring the certificate to the beneficiary or beneficiaries name. 2. A certificate of title for an outboard motor or vessel, issued in the names of two or more persons that shows on its face that the persons hold their interest in the outboard motor or vessel as tenants in common, on death of one of the named persons, may be transferred by the director of revenue on application by the surviving owners and the personal representative or successors of the deceased owner. Upon being presented proof of death of one of the persons in whose names the certificate of title was issued; surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the outboard motor or vessel to the surviving owners and personal representative or successors of the deceased owner; and the current valid certificate of number shall be transferred. ---------- (L. 1987 H.B. 605 § 8, A.L. 2004 H.B. 1511)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.461 - Certificate of title in beneficiary form — multiple beneficiaries allowed — procedure to issue, content, fee — consent not required for transactions, revocation — interest subject to certain claims — transfer not deemed testamentary.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.461. Certificate of title in beneficiary form — multiple beneficiaries allowed — procedure to issue, content, fee — consent not required for transactions, revocation — interest subject to certain claims — transfer not deemed testamentary. —1. A sole owner of an outboard motor or vessel, and multiple owners of an outboard motor or vessel who hold their interest as joint tenants with right of survivorship or as tenants by the entirety, on application and payment of the fee required for an original certificate of title, may request the director of revenue to issue a certificate of title for the outboard motor or vessel in beneficiary form which includes a directive to the director of revenue to transfer the certificate of title on death of the sole owner or on death of all multiple owners to one beneficiary or to two or more beneficiaries as joint tenants with right of survivorship or as tenants by the entirety named on the face of the certificate. 2. A certificate of title in beneficiary form may not be issued to persons who hold their interest in an outboard motor or vessel as tenants in common. 3. A certificate of title issued in beneficiary form shall include after the name of the owner, or after the names of multiple owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary or beneficiaries. 4. (1) During the lifetime of a sole owner or prior to the death of the last surviving multiple owner, the signature or consent of the beneficiary or beneficiaries shall not be required for any transaction relating to the outboard motor or vessel for which a certificate of title in beneficiary form has been issued. (2) A certificate of title in beneficiary form may be revoked or the beneficiary or beneficiaries changed at any time before the death of the sole owner or the last surviving multiple owner only by the following methods: (a) By a sale of the outboard motor or vessel with proper assignment and delivery of the certificate of title to another person; or (b) By surrender of the outstanding certificate of title and filing an application to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary or beneficiaries with the director of revenue in proper form and accompanied by the payment of the fee for an original certificate of title. (3) The beneficiary's or beneficiaries' interest in the outboard motor or vessel at death of the owner or surviving owner shall be subject to any contract of sale, assignment of ownership or security interest to which the owner or owners of the outboard motor or vessel were subject during their lifetime. (4) The designation of a beneficiary or beneficiaries in a certificate of title issued in beneficiary form may not be changed or revoked by a will, any other instrument, or a change in circumstances, or otherwise be changed or revoked except as provided by subdivision (2) of this subsection. 5. (1) On proof of death of one of the owners of two or more multiple owners, or of a sole owner, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the outboard motor or vessel to the surviving owner or owners or, if none, to the surviving beneficiary or beneficiaries, subject to any outstanding security interest; and the current valid certificate of number shall be so transferred. If the surviving beneficiary or beneficiaries make a request of the director of revenue, the director may allow the beneficiary or beneficiaries to make one assignment of title. (2) The director of revenue may rely on a death certificate or record or report that constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section 472.290. (3) The transfer of an outboard motor or vessel at death pursuant to this section is effective by reason of sections 301.675 to 301.682 and sections 306.455 to 306.465, and is not to be considered testamentary, or to be subject to the requirements of section 473.087 or section 474.320. ---------- (L. 1987 H.B. 605 § 9, A.L. 1993 H.B. 509, A.L. 2004 H.B. 1511 merged with S.B. 1233, et al.)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.463 - Death of owner and no surviving owner or beneficiary, director of revenue may transfer and issue new certificate, when, procedure to obtain.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.463. Death of owner and no surviving owner or beneficiary, director of revenue may transfer and issue new certificate, when, procedure to obtain. —If an owner dies and no surviving owner or surviving beneficiary exists, on proof of death of all persons shown on the certificate of title, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue may rely on, transfer and issue a new certificate of title in accordance with one of the following: (1) A certified copy of a court order approving the transfer, refusing to issue letters of administration, terminating administration or authorizing distribution of the deceased owner's estate; (2) A small estate affidavit with the certificate of the clerk of the probate division of the circuit court, as provided in section 473.097; or (3) A notarized application for transfer from a personal representative of the deceased owner accompanied by a copy of the personal representative's letters of administration or letters testamentary together with a court order approving the transfer or a statement that the personal representative has authority under section 473.457 or subdivision (16) of section 473.810 to make the transfer without court order. ---------- (L. 1987 H.B. 605 § 10)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.465 - Rules and regulations, authority to promulgate, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.465. Rules and regulations, authority to promulgate, procedure. —The director of revenue may promulgate rules to implement sections 301.675 to 301.682 and sections 306.455 to 306.465. No rule or portion of a rule promulgated under the authority of sections 301.675 to 301.682 and sections 306.455 to 306.465 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. ---------- (L. 1987 H.B. 605 § 11, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.530 - Registration of outboard motors.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.530. Registration of outboard motors. —1. The owner of an outboard motor kept within this state shall cause it to be registered in the office of the director of revenue who shall issue a certificate of title for the same. 2. The owner of any outboard motor acquired or brought into the state shall file his application for registration and pay the fee within sixty days after it is acquired or brought into this state. The director of revenue may grant extensions of time for registration to any person in deserving cases. 3. Any make of outboard motor older than 1960 which is owned solely as a collector's item and which is used and intended to be used for exhibition and educational purposes only and will not be used on the waterways of this state will be exempt from titling and registration pursuant to this chapter. ---------- (L. 1945 p. 1191 §§ 1, 3, A. 1949 S.B. 1110, A.L. 1985 H.B. 280, et al., A.L. 2004 S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.532 - Certificate of title to designate year of manufacture

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.532. Certificate of title to designate year of manufacture —Effective August 28, 2012, the certificate of title for a new outboard motor shall designate the year the outboard motor was manufactured as the "Year Manufactured" and shall further designate the year the dealer received the new outboard motor from the manufacturer as the "Model Year-NEW". Any outboard motor manufactured on or after July first of any year shall be labeled with the "Year Manufactured" with the calendar year immediately following the year manufactured, unless the manufacturer indicates a specific model or program year. ---------- (L. 2010 H.B. 1692, et al., A.L. 2012 S.B. 480 merged with S.B. 568 merged with S.B. 719)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.535 - Applications, contents, fee — not made within certain period, delinquency fee.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.535. Applications, contents, fee — not made within certain period, delinquency fee. —1. Applications shall be made on forms prescribed and furnished to the applicant, upon demand, by the director of revenue. 2. The application shall contain a brief description of the outboard motor to be registered, the name of manufacturer, the factory number or serial number, the type and color of the outboard motor, the amount of motive power stated in figures of horsepower, and the name and address, including county, of the owner; and a declaration and affidavit of ownership, showing the date and from whom purchased. 3. The fee for registering and issuing a license shall be two dollars, and the fee for a certificate of title shall be five dollars, both of which fees shall be paid to the director of revenue at the time of making the application. 4. If application for the certificate of title is not made within sixty days after the outboard motor is acquired or brought into the state by the applicant, a delinquency penalty fee of ten dollars for each thirty days of delinquency, not to exceed a total of

thirty dollars, shall be imposed. If the director of revenue learns that any person has failed to make application for a certificate of title within sixty days after acquiring or bringing into the state an outboard motor or has sold an outboard motor without obtaining a certificate of title, he shall cancel the registration of all outboard motors registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation shall remain in force until the person pays the delinquency penalty fee provided in this subsection together with all fees, charges and payments which he should have paid in connection with the certificate of title and registration of the outboard motor. ---------- (L. 1945 p. 1191 §§ 2, 3, A. 1949 S.B. 1110, A.L. 1985 H.B. 280, et al.) Effective 4-01-86

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.540 - Registration by director of revenue, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.540. Registration by director of revenue, when. —Upon receipt of an application for registration of an outboard motor the director of revenue shall file the application in his office and register the described outboard motor, with the name, residence and business address of the owner, together with the essential facts stated in the application, in a book or books to be kept by him for the purpose, under the registration number to be assigned by him to the described outboard motor, which book, or books shall be open to public inspection during reasonable business hours. ---------- (L. 1945 p. 1191 § 4)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.545 - Registration number — placement.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.545. Registration number — placement. —1. Upon the payment of the registration fee and the approval of the application, the director of revenue shall assign a registration number to the described outboard motor by which it may be identified during the current registration period; and shall issue and deliver to the applicant a certificate of registration containing the manufacturer's identification number or serial number, name and address of the owner, and other particulars shown in the application, together with one decal which shall contain the outboard motor registration number. The decal shall be in a form as the director shall prescribe. 2. The owner shall secure the registration decal to the outside of the outboard motor in a conspicuous place. Unless otherwise provided by law, no person shall operate, use or keep any outboard motor in this state unless a registration decal is affixed. ---------- (L. 1945 p. 1191 § 5, A. 1949 S.B. 1110, A.L. 1995 H.B. 217)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.550 - Certificate forms — duties of seller and purchaser — temporary registration number, issuance, contents.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.550. Certificate forms — duties of seller and purchaser — temporary registration number, issuance, contents. —1. When the certificate forms are printed, the director of revenue shall cause to be printed on the reverse side, a form for transfer of title to be used by the owner if the owner sells the registered outboard motor; to be completed and signed by the owner and delivered to the purchaser or transferee, as evidence of title. 2. When an outboard motor is transferred, the seller shall remove the registration number decal from the outboard motor. The purchaser shall within thirty days thereafter file an application for registration of the outboard motor in the purchaser's name, accompanied by the transfer of title duly executed, and accompanied by the registration fee which shall be the same as though no former registration had been made. 3. The department of revenue may issue a one-time temporary registration number authorizing the operation of an outboard motor by a purchaser for not more than thirty days. A temporary registration issued under this section is not renewable. The department of revenue shall provide the temporary registration numbers. A person may purchase a temporary registration number from the department of revenue with proof of purchase of an outboard motor, or from the dealer, when the outboard motor is purchased. The department shall provide temporary registration numbers to registered dealers in this state in sets of ten registration numbers. The fee for the temporary registration number shall be two dollars for each registration number issued. A dealer may not charge more than two dollars for each registration number issued by the dealer. A registration number is valid for the legal operation of an outboard motor only by the purchaser of the outboard motor from the date the certificate is issued for either thirty days or until proper registration has been obtained, whichever first occurs. A registration number may not be transferred or displayed on any outboard motor other than the outboard motor for which it was issued. The department of revenue shall determine the size and numbering configuration, construction, and color of the temporary registration number. 4. The department of revenue or the dealer or the dealer's authorized agent shall insert the date of issuance and expiration, year, make and manufacturer's identification number of the outboard motor on the temporary registration number when issued to the buyer. The dealer shall also insert the dealer's number on the temporary registration number. Every dealer that issues a temporary registration number shall keep, for inspection by authorized officers, an accurate record of each temporary registration number issued by the dealer by recording the registration number, buyer's name and address, year, make and manufacturer's identification number of the outboard motor on which the registration number is to be used, and the date of issuance. ---------- (L. 1945 p. 1191 § 6, A.L. 1995 H.B. 217, A.L. 1997 H.B. 379) Effective 6-24-97

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.555 - Inspection of outboard motors.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.555. Inspection of outboard motors. —For the purposes of reasonable and proper administration and enforcement of the provisions of sections 306.530 to 306.575 all outboard motors within this state shall be subject to inspection by peace officers. ---------- (L. 1945 p. 1191 § 7)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.560 - Outboard motor registration not required for manufacturers, visitors in state, and motors used solely for racing.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.560. Outboard motor registration not required for manufacturers, visitors in state, and motors used solely for racing. —The provisions of sections 306.530 to 306.575 requiring registration of outboard motors in the office of the director of revenue of this state shall not apply to manufacturers or dealers in new unregistered outboard motors; nor shall it apply to nonresident persons who may be visiting or vacationing in this state for not more than sixty consecutive days at one time, or to outboard motors used on motorboats designed and intended solely for racing while competing in any race previously approved by the water patrol division in accordance with section 306.130, including operation within a twenty-four-hour period prior to such approved race in order to test or tune up the outboard motor. ---------- (L. 1945 p. 1191 § 8, A.L. 1993 H.B. 218)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.565 - Fees — disposition.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.565. Fees — disposition. —All registration fees and other fees and money received by the director of revenue, pursuant to this law for registration of outboard motors, shall be paid into the state treasury to the credit of the general revenue fund. ---------- (L. 1945 p. 1191 § 9, A. 1949 S.B. 1110)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.570 - Destruction of records.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.570. Destruction of records. —The director of revenue is authorized, at his discretion, to destroy by burning with fire, any letters, correspondence, papers and documents, remaining in the files, pertaining to the registration of outboard motors, after four years from their date. ---------- (L. 1945 p. 1191 § 11)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.575 - Penalty for violation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.575. Penalty for violation. —Any person, firm, partner, organization, association or corporation, or any agent or officer thereof, required by sections 306.530 to 306.575 to register an outboard motor and to pay the registration fee, who fails to do so in the time and manner prescribed, and any person who shall remove or obliterate the factory number or the serial number from any registered outboard motor or cause the same to be done without the written consent of the director of revenue, shall upon conviction be deemed guilty of a misdemeanor, and be punished as provided by law. ---------- (L. 1945 p. 1191 § 10)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.900 - Direct molding process — use of to duplicate hulls prohibited, when — damages and injunctive relief, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.900. Direct molding process — use of to duplicate hulls prohibited, when — damages and injunctive relief, when. —1. As used in this section, the following terms mean: (1)"Direct molding process", any direct molding process in which the original manufactured vessel hull or component part of a vessel is itself used as a plug for the making of the mold, which is then used to manufacture a duplicate item; (2)"Mold", a matrix or form in which a substance or material is shaped; (3)"Person", any individual, partnership, corporation, firm or association; (4)"Plug", a device or model used to make a mold for the purpose of exact duplication. 2. (1) No person shall use the direct molding process to duplicate for the purpose of sale any manufactured vessel hull or component part of a vessel made by another person without the written permission of that other person. (2) No person shall knowingly sell a vessel hull or component part of a vessel duplicated in violation of subdivision (1) of this subsection. 3. (1) Any person injured in his business by virtue of any violation of subsection 2 may sue and shall recover threefold the damages incurred by virtue of such violation and the costs of suit and reasonable attorney's fees. (2) Any person injured in his business by virtue of any violation of subsection 2 may sue for injunctive relief and injunctive relief may be granted regardless of the failure of the plaintiff to show irreparable injury. ---------- (L. 1985 H.B. 280, et al. § 3) Effective 4-01-86

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.903 - Abandonment of boat dock, penalty — retrieval and disposal — identifying information on dock required, when, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.903. Abandonment of boat dock, penalty — retrieval and disposal — identifying information on dock required, when, penalty. —1. Any person who abandons a boat dock and permits it to float freely without being moored upon lakes having at least nine hundred fifty miles of aggregate shoreline is guilty of an infraction, the penalty for which shall be a fine of not less than twenty-five dollars or more than one hundred dollars. 2. Any person who abandons a boat dock shall be responsible for the retrieval and disposal of such boat dock. Any person who violates subsection 1 of this section and who does not properly retrieve and dispose of such abandoned boat dock shall, upon a plea of guilty or a finding of guilt for such an offense, be ordered to reimburse the appropriate law enforcement agency, including the water patrol division, for the costs associated with the retrieval and disposal of the abandoned boat dock. The law enforcement agency may establish a schedule of such costs. However, the court may reduce the costs if it determines that the costs are excessive. 3. The water patrol division may accept gifts, grants, in-kind services and appropriations, and may enter into contracts with private or public entities for the enforcement and administration of this section. 4. Beginning January 1, 2010, any person owning a boat dock on lakes having at least nine hundred fifty miles of shoreline and lakes constructed or maintained by the United States Army Corps of Engineers except bodies of water owned by a person, corporation, association, partnership, municipality or other political subdivision, public water supply impoundments, and except drainage ditches construction by a drainage district, but not to include any body of water which has been leased to or owned by the state department of conservation shall display identifying information on the dock, including but not limited to, a permit number issued to the owner by an entity having authority to issue such identification or permit number and the appropriate 911 address or in the absence of a 911 system, the physical address nearest to the dock by land. Any person owning a boat dock on lakes having at least nine hundred fifty miles of aggregate shoreline who violates this subsection may be guilty of an infraction, the penalty for which shall not exceed twenty-five dollars. ---------- (L. 1995 H.B. 217, A.L. 1997 H.B. 379, A.L. 2009 H.B. 103)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 306 - Watercraft Regulation and Licensing — Water Patrol DivisionSection 306.910 - Recreational water use — definitions — brochure, distribution, limitation on cost of.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 306 306.910. Recreational water use — definitions — brochure, distribution, limitation on cost of. —1. For purposes of this section, the following terms shall mean: (1)"Outfitter", any individual, group, corporation, or other business entity which is a registered member of the Missouri Canoe and Floaters Association; (2)"Water patrol division", the water patrol division of the state highway patrol; (3)"Watercraft", any canoe, kayak, raft, innertube, or other flotation device propelled by the use of paddles, oars, or other nonmotorized means of propulsion. 2. By January 1, 2016, the water patrol division shall develop an informational brochure regarding the laws, regulations, and associated penalties relating to recreational water use as they pertain to individuals participating in the recreational use of the state's streams or rivers. 3. The water patrol division shall distribute the informational brochures developed under this section to all campgrounds and outfitters that rent or provide watercraft for use on a stream or river. 4. No more than one hundred thousand dollars shall be expended on the development and printing of the informational brochure under this section. 5. The water patrol division shall distribute the informational brochures developed under this section to all county commissioners in this state. ---------- (L. 2015 S.B. 231)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.005 - Light-emitting diodes deemed operating properly, when.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.005. Light-emitting diodes deemed operating properly, when. —For purposes of this chapter, a lamp, light, or other piece of lighting equipment consisting of multiple light-emitting diodes shall be deemed to be operating properly so long as not less than seventy-five percent of the light-emitting diodes are operating properly. ---------- (L. 2017 S.B. 8 merged with S.B. 222)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.010 - Loads which might become dislodged to be secured — failure, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.010. Loads which might become dislodged to be secured — failure, penalty. —1. All motor vehicles, and every trailer and semitrailer operating upon the public highways of this state and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semitrailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while being transported or carried. 2. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall be a class C misdemeanor, and any person convicted thereof shall be punished as provided by law. ---------- (L. 1967 p. 417 §§ 1, 2, A.L. 1996 H.B. 1047, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.015 - Mud flaps required, certain motor vehicles — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.015. Mud flaps required, certain motor vehicles — violation, penalty. —1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders, attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall be equipped with mud flaps for the rear wheels when operated on the public highways of this state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire or tires being protected; shall be so installed that they extend from the underside of the vehicle body in a vertical plane behind the rear wheels to within twelve inches of the ground for dump trucks and within eight inches of the ground for all other vehicles required to be equipped with mud flaps under this section; and shall be constructed of a rigid material or a flexible material which is of a sufficiently rigid character to provide adequate protection when the vehicle is in motion. No provisions of this section shall apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps, to farm implements, or to any vehicle which is not required to be registered. 2. For purposes of this section,"dump truck"means a truck whose contents can be emptied without handling, where the front end of the platform can be hydraulically raised so that the load is discharged by gravity. 3. Any person who violates this section is guilty of an infraction and, upon plea or finding of guilt, shall be punished as provided by law. ---------- (L. 1967 p. 417 §§ 1, 2, A.L. 1991 S.B. 292, A.L. 2009 H.B. 683, A.L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.018 - Traffic citation, infraction, no warrant of arrest, when — alternate notice, procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.018. Traffic citation, infraction, no warrant of arrest, when — alternate notice, procedure. —1. Notwithstanding any other provision of law, no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic citation issued for an infraction under the provisions of this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. A copy of the court's notice with the new court date shall be sent to the driver of the vehicle. If the driver fails to respond, pay the fine assessed, or appear on the second court date, the court shall issue a second notice of failure to respond, pay the fine assessed, or appear. If the driver fails to respond, pay the fine assessed, or appear after the second notice, the court may issue a default judgment under section 556.021 for the infraction. 2. At any point after the default judgment has been entered, the driver may appear in court to state that he or she is unable to pay and to request the court to modify the judgment. The court shall hold a hearing to determine whether the driver has the ability to pay. If the court finds the driver lacks the present ability to pay, the court shall modify the judgment in any way authorized by statute or court rule, including: (1) Allowing for payment of the fine on an installment basis; (2) Waiving or reducing the amount owed; or (3) Requiring the driver to perform community service or attend a court-ordered program in lieu of payment. 3. At any point after the default judgment has been entered, the driver may appear in court and show proof that he or she corrected the equipment violation for which the fine and costs were assessed. If the driver shows such proof, the court may waive the fines and costs that are due. ---------- (L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.020 - Definitions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.020. Definitions. —As used in sections 307.020 to 307.120, unless the context requires another or different construction: (1)"Approved"means approved by the director of revenue and when applied to lamps and other illuminating devices means that such lamps and devices must be in good working order; (2)"Auxiliary lamp"means an additional lighting device on a motor vehicle used primarily to supplement the headlamps in providing general illumination ahead of a vehicle; (3)"Headlamp"means a major lighting device capable of providing general illumination ahead of a vehicle; (4)"Mounting height"means the distance from the center of the lamp to the surface on which the vehicle stands; (5)"Multiple-beam headlamps"means headlamps or similar devices arranged so as to permit the driver of the vehicle to use one of two or more distributions of light on the road; (6)"Reflector"means an approved device designed and used to give an indication by reflected light; (7)"Single-beam headlamps"means headlamps or similar devices arranged so as to permit the driver of the vehicle to use but one distribution of light on the road; (8)"Vehicle"means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; (9)"When lighted lamps are required"means at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in section 304.012. The provisions of this section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner. ---------- (L. 1941 p. 438 § 8386c, A.L. 2004 S.B. 1233, et al.) (1953) Instruction submitting issue as to unlighted vehicle on highway held proper in case where motor vehicle collided with rear of unlighted truck. Arky v. Kessels (A.), 262 S.W.2d 357. (1957) Court took judicial notice of fact that sun sets before 8:00 p.m. on May 17. State v. Powell (Mo.), 306 S.W.2d 531. (1958) Permitting car to remain on roadway without lights at time lights were

required by law held negligence per se. Glenn v. Offutt (A.), 309 S.W.2d 366. (1976) Motorized wheelchair is a "vehicle" and subject to highway regulations. Vanasse v. Plautz (A.), 538 S.W.2d 928.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.025 - Exemptions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.025. Exemptions. —The subsequent provisions of this chapter with respect to equipment and lights on vehicles shall not apply to agricultural machinery and implements, road machinery, road rollers, traction engines, motorized bicycles, electric bicycles as defined in section 301.010, or farm tractors except as in this chapter made applicable. ---------- (L. 1941 p. 438 § 8386b, A.L. 1980 H.B. 995 & 1051, A.L. 2021 S.B. 176)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.030 - Approval of lighting equipment — rules and regulations — fee — revocation or suspension of certificate, rulemaking procedure.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.030. Approval of lighting equipment — rules and regulations — fee — revocation or suspension of certificate, rulemaking procedure. —1. The director of the department of public safety is hereby given authority to pass upon the lighting equipment of any vehicle, motor vehicle, or motor-drawn vehicle with a view to its safety for use on a street or highway. 2. The director of the department of public safety is hereby authorized to promulgate rules and regulations not inconsistent with this chapter, and publish same. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. 3. The director of the department of public safety may require the approval of any lighting equipment or lighting device, and charge a fee therefor of fifty dollars for each device or each single lighting device submitted for approval, and may set up the procedure which may be followed when any lighting equipment or lighting device is submitted for approval. 4. The director of the department of public safety may revoke or suspend for cause, after hearing, any certificate of approval that may be issued covering any lighting equipment or lighting device under this chapter. ---------- (L. 1941 p. 438 § 8386, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.035 - Director's decisions final, when — appeal to board — hearing and decisions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.035. Director's decisions final, when — appeal to board — hearing and decisions. —1. The decisions of the director of the department of public safety under the provisions of sections 307.020 to 307.120, shall be final unless appealed as herein provided and shall be sent by registered mail to the applicant. 2. Within thirty days of the receipt of the decision, the applicant may appeal to a board of review composed of the lieutenant governor, and the members of the state highways and transportation commission, by filing with the lieutenant governor, a written notice of his intention to appeal and setting forth the grounds thereof. 3. Within thirty days after receiving such notice the board shall hear the appeal by hearing such evidence as the applicant or the director of the department of public safety shall present and making such investigations and tests as the board deems necessary. In the case of a tie vote of the board on such appeal, the board shall call upon the chief engineer of the state transportation department to hear the evidence, make such investigations and tests as he may deem necessary and cast the deciding vote. 4. The board shall certify to the applicant its findings, which shall be final, except that the same may be reviewed in the proper court by certiorari. ---------- (L. 1941 p. 438 § 8386t, A. 1949 S.B. 1113) CROSS REFERENCE: Administrative procedure and review, generally, Chap. 536

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.040 - When lights required — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.040. When lights required — violation, penalty. —1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this chapter required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower. 2. Notwithstanding the provisions of section 307.120, or any other provision of law, violation of this section shall be deemed an infraction and any person who violates this section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars and no court costs shall be assessed. ---------- (L. 1941 p. 438 § 8386d, A.L. 1996 H.B. 1047, A.L. 2004 S.B. 1233, et al.) (1967) Subject to the exception stated in the first paragraph of section 304.450, RSMo, the lighting requirements imposed by sections 304.310 and 304.380, RSMo, are applicable to a vehicle parked at the curb on a city street. Walker v. Massey (A.), 417 S.W.2d 14. (1973) Bicycles are exempt by statutory definition of "vehicles" to which light regulations are applicable. Burt v. Becker (Mo.), 497 S.W.2d 411.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.045 - Headlamp on motor vehicles — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.045. Headlamp on motor vehicles —

violations, penalty. —1. Except as in this chapter provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two approved headlamps mounted at the same level with at least one on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one and not more than two approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front. 2. Notwithstanding the provisions of section 307.120, violation of this section shall be deemed an infraction. ---------- (L. 1941 p. 438 § 8386e, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.050 - Headlamps — permissible substitutes, speed limit.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.050. Headlamps — permissible substitutes, speed limit. —Any motor vehicle need not be equipped with approved headlamps provided that every such vehicle during the times when lighted lamps are required is equipped with two lighted lamps on the front thereof displaying white or yellow lights without glare capable of revealing persons and objects seventy-five feet ahead; provided, however, that no such motor vehicle shall be operated at a speed in excess of twenty miles per hour during the times when lighted lamps are required. ---------- (L. 1941 p. 438 § 8386k)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.055 - Single-beam headlamps — intensity, adjustment — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.055. Single-beam headlamps — intensity, adjustment — violation, penalty. —1. Approved single-beam headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. 2. Notwithstanding the provisions of section 307.120, violation of this section shall be deemed an infraction. ---------- (L. 1941 p. 438 § 8386m, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.060 - Multiple-beam headlamps — arrangement — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.060. Multiple-beam headlamps — arrangement — violation, penalty. —1. Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations: (1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading. (2) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. 2. Notwithstanding the provisions of section 307.120, violation of this section shall be deemed an infraction. ---------- (L. 1941 p. 438 § 8386n, A.L. 1955 p. 626, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.065 - New vehicles shall have beam indicator — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.065. New vehicles shall have beam indicator — violation, penalty. —1. Every new motor vehicle registered in this state after January 1, 1942, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of lights from the headlamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. 2. Notwithstanding the provisions of section 307.120, violation of this section shall be deemed an infraction. ---------- (L. 1941 p. 438 § 8386o, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.070 - Dimming of lights, when — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.070. Dimming of lights, when — violation, penalty. —1. Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, or is within three hundred feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to

the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead. 2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction. ---------- (L. 1941 p. 438 § 8386p, A.L. 1965 p. 493, A.L. 1996 H.B. 1047) (1955) Instruction submitting issue as to failure to dim lights as proximate cause of collision approved. Fuller v. Baxter (A.), 284 S.W.2d 66.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.075 - Taillamps, reflectors — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.075. Taillamps, reflectors — violations, penalty. —1. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two rear lamps, not less than fifteen inches or more than seventy-two inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times. 2. Every motorcycle registered in this state, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. A motorcycle may be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes. 3. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six passengers registered in this state after January 1, 1966, when operated on a highway, shall also carry at the rear at least two approved red reflectors, at least one at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this chapter and shall be mounted upon the vehicle at a height not to exceed sixty inches nor less than fifteen inches above the surface upon which the vehicle stands. 4. Any person who knowingly operates a motor vehicle without the lamps required in this section in operable condition is guilty of an infraction. ---------- (L. 1941 p. 438 § 8386q, A.L. 1965 p. 494, A.L. 1976 H.B. 1514, A.L. 1996 H.B. 1047, A.L. 2013 H.B. 715 merged with S.B. 282) (1967) Subject to the exception stated in the first paragraph of section 304.450, RSMo, the lighting requirements imposed by sections 304.310 and 304.380, RSMo, are applicable to a vehicle parked at the curb on a city street. Walker v. Massey (A.), 417 S.W.2d 14.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.080 - Auxiliary lamps — number — location — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.080. Auxiliary lamps — number — location — violation, penalty. —1. Any motor vehicle may be equipped with not to exceed three auxiliary lamps mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface upon which the vehicle stands. 2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction. ---------- (L. 1941 p. 438 § 8386g, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.085 - Cowl, fender, running board and backup lamps — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.085. Cowl, fender, running board and backup lamps — violation, penalty. —1. Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp; except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion. 2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction. ---------- (L. 1941 p. 438 § 8386h, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.090 - Spotlamps — restrictions, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.090. Spotlamps — restrictions, penalty. —1. Any motor vehicle may be equipped with not to exceed one spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person. 2. Notwithstanding the provisions of section 307.120, violation of this section is a class C misdemeanor. ---------- (L. 1941 p. 438 § 8386i, A.L. 1996 H.B. 1047, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.095 - Colors of various lamps — restriction of red lights, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.095. Colors of various lamps — restriction of red lights, penalty. —1. Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof. 2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction. ---------- (L. 1941 p. 438 § 8386f, A.L. 1955 p. 625, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.100 - Limitations on lamps other than headlamps — flashing signals prohibited except on specified vehicles — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.100. Limitations on lamps other than headlamps — flashing signals prohibited except on specified vehicles — penalty. —1. Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in section 304.022, on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship, and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn. 2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction. ---------- (L. 1941 p. 438 § 8386j, A.L. 1955 p. 625, A.L. 1957 p. 633, A.L. 1996 H.B. 1047, A.L. 2001 H.B. 458, A.L. 2004 S.B. 732 merged with S.B. 1233, et al.) (1955) Where truck was stopped with rear in ditch and front across highway about two or three feet from center, verdict directing instruction which authorized recovery unless truck was displaying red light visible for 500 feet and directed toward direction from which plaintiff was coming, held erroneous. Bunch v. Wagner (A.), 275 S.W.2d 753. (1957) Permitting a damaged vehicle to remain on the highway without lights as required by § 304.450 is negligence per se. Leek v. Dillard (A.), 304 S.W.2d 60. (1958) Evidence did not require finding that plaintiff was guilty of contributory negligence as matter of law in colliding at night with truck defendant had parked without lights partially upon paved portion of road. Beaver v. Wilhelm (A.), 321 S.W.2d 1. (1962) Wording of instruction on contributory negligence based on failure to display a "lighted red lamp" held sufficient to properly instruct under the statute. Wiber v. Mana (Mo.), 356 S.W.2d 88. (1967) Subject to the exception stated in the first paragraph of section 304.450, RSMo, the lighting requirements imposed by sections 304.310 and 304.380, RSMo, are applicable to a vehicle parked at the curb on a city street. Walker v. Massey (A.), 417 S.W.2d 14.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.105 - Limitation on total of lamps lighted at one time — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.105. Limitation on total of lamps lighted at one time — violation, penalty. —1. At the times when lighted lamps are required, at least two lighted lamps shall be displayed, one on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this chapter required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. 2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction. ---------- (L. 1941 p. 438 § 8386l, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.110 - Parked vehicles — how lighted — exception — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.110. Parked vehicles — how lighted — exception — violation, penalty. —1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle. 2. Whenever a vehicle is parked or stopped upon a highway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon the highway, a vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of the lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. This section does not apply to a motor-driven cycle. Any lighted headlamp upon a parked vehicle shall be depressed or dimmed. 3. Notwithstanding the provisions of section 307.120, violation of this section is an infraction. ---------- (L. 1941 p. 438 § 8386r, A.L. 1961 p. 497, A.L. 1996 H.B. 1047)

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.115 - Other vehicles — how lighted — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.115. Other vehicles — how lighted — violation, penalty. —1. All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this chapter specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle. 2. Notwithstanding the provisions of section 307.120, violation of this section shall be deemed an infraction. ---------- (L. 1941 p. 438 § 8386s, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.120 - Penalty for violations.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.120. Penalty for violations. —Any person violating any of the provisions of sections 307.020 to 307.120 shall, upon conviction thereof, be deemed guilty of a misdemeanor. The term"person"as used in sections 307.020 to 307.120 shall mean and include any individual, association, joint stock company, copartnership or corporation. ---------- (L. 1941 p. 438 § 8386a, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.122 - Electronic message devices, prohibited on vehicle, exceptions — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.122. Electronic message devices, prohibited on vehicle, exceptions — penalty. —No motor vehicle or trailer shall be operated on a public highway of this state while equipped with any device which emits an electronic message directed to the front, side or rear of the exterior of the vehicle or trailer. For the purposes of this section, the term"message"shall include words, phrases, sentences, numbers and other symbols or combinations thereof. This section shall not prohibit the lawful use of a lamp which illuminates the rear registration marker, as authorized pursuant to section 307.075, or the use of a route indicator on a bus or other public transportation vehicle, or messages that display proper names of firms or corporations. Violations of this section shall be a class C misdemeanor. ---------- (L. 1992 S.B. 607 § l, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.125 - Animal-driven vehicles, lighting requirements — penalty — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.125. Animal-driven vehicles, lighting requirements — penalty — rulemaking authority. —1. Any person who shall place or drive or cause to be placed or driven upon or along any state or supplementary state highway of this state any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven of such buttons covering an area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred feet. 2. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half hour before sunrise shall have at least one light flashing at all times the vehicle is on any highway of this state. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred feet. Any person violating the provisions of this section shall be guilty of an infraction. 3. Any person operating an animal-driven vehicle during the hours between sunset and one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use lamps or lanterns complying with the rules promulgated by the director of the department of public safety. 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (RSMo 1939 § 8388, A.L. 1988 S.B. 686, A.L. 1996 H.B. 1047, A.L. 2004 S.B. 956, A.L. 2009 H.B. 683)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.127 - Slow-moving equipment, emblem required on, when — emblem described — violation, penalty — alternative display, reflective material.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.127. Slow-moving equipment, emblem required on, when — emblem described — violation, penalty — alternative display, reflective material. —1. No person shall operate on any public highway of this state any slow-moving vehicle or equipment after sunset to one-half hour before sunrise, any animal-drawn vehicle, or any other machinery, designed for use or normally operated at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in, and displayed as provided in subsection 2 in this section. The requirement of such emblem shall be in addition to any lighting devices required by section 307.115. 2. The emblem required by subsection 1 of this section shall be of substantial construction, and shall be a basedown equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of not less than fourteen inches and an altitude of not less than twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. Such emblem shall be mounted on the rear of such vehicle near the horizontal geometric center of the rearmost vehicle at a height of not less than four feet above the roadway, and shall be maintained in a clean, reflective condition. The provisions of this section shall not apply to any vehicle or equipment being operated on a gravel or dirt-surfaced public highway. 3. Any person who shall violate the provisions of this section shall be guilty of an infraction. 4. No emblem shall be required on machinery or equipment pulled or attached to a farm tractor providing the machinery or equipment does not extend more than twelve feet to the rear of the tractor and permits a clear view of the emblem on the tractor by vehicles approaching from the rear. 5. Any person operating an animal-drawn vehicle on any public highway of this state may, in lieu of displaying the emblem required by subsections 1 and 2 of this section, equip the animal-drawn vehicle with reflective material complying with rules and regulations promulgated by the director of the department of public safety. The reflective material shall be visible from a distance of not less than five hundred feet to the rear when illuminated by the lower beams of vehicle headlights. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. ---------- (L. 1971 S.B. 99 § 1, A.L. 1996 H.B. 1047, A.L. 2004 S.B. 956)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.128 - Motorcycle headlamp modulation permitted, when — labeling requirements — auxiliary lighting.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.128. Motorcycle headlamp modulation permitted, when — labeling requirements — auxiliary lighting. —1. A headlamp on a motorcycle may be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity provided that: (1) The rate of modulation shall be two hundred forty plus or minus forty cycles per minute; (2) The headlamp shall be operated at a maximum power for fifty to seventy percent of each cycle; (3) The lowest intensity at any test point shall not be less than seventeen percent of the maximum intensity measured at the same point; (4) The modulator switch shall be wired in the power lead of the beam filament being modulated and not in the ground side of the circuit; (5) Means shall be provided so that both the lower beam and the upper beam remain operable in the event of a modulation failure; (6) The system shall include a sensor mounted with the axis of its sensing element perpendicular to a horizontal plane. Headlamp modulation shall cease whenever the level of light emitted by a tungsten filament operating at three thousand degrees kelvin is either less than two hundred seventy lux of direct light for upward pointing sensors or less than sixty lux of reflected light for downward pointing sensors. The light is measured by a silicon cell type light meter that is located at the sensor and pointing in the same direction as the sensor. A photo gray card is placed at ground level to simulate the road surface in testing downward pointing sensors; (7) Means shall be provided so that both the lower and upper beam function at design voltage when the headlamp control switch is in either the lower or upper beam position when the modulator is off. 2. Each motorcycle headlamp modulator not intended as original equipment, or its container, shall be labeled with the maximum wattage, and the minimum wattage appropriate for its use. Additionally, each such modulator shall comply with the provisions of subdivisions (1) to (7) of subsection 1 of this section when connected to a headlamp of the maximum-rated power and headlamp of the minimum-rated power, and shall provide means so that the modulated beam functions at design voltage when the modulator is off. Instructions, with a diagram, shall be provided for mounting the light sensor including location on the motorcycle, distance above the road surface, and orientation with respect to the light. 3. Notwithstanding any other provision of law, subject to the requirements of subsection 4 of this section, a motorcycle may be equipped with, and an operator of a motorcycle may use, the following auxiliary lighting: (1) Amber and white illumination; (2) Standard bulb running lights; or (3) Light-emitting diode pods and strips. 4. Lighting under subsection 3 of this section shall be: (1) Nonblinking; (2) Nonflashing; (3) Nonoscillating; and (4) Directed toward the engine and the drive train of the motorcycle to prevent interference with the driver's operation of the vehicle. ---------- (L. 2009 H.B. 253, A.L. 2015 H.B. 650)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.130 - Safety glass defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.130. Safety glass defined. —The term"safety glass", as used in sections 307.130 to 307.160, shall be construed as meaning glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken. ---------- (RSMo 1939 § 8391)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.135 - Director not to license vehicle without safety glass.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.135. Director not to license vehicle without safety glass. —It shall be the duty of the director of revenue to refuse to issue a license for any motor vehicle manufactured or assembled after January 1, 1936, unless such motor vehicle is equipped as provided in sections 307.130 to 307.160, with such types of safety glass as have been heretofore approved by the secretary of state or may hereafter be approved by the state highway patrol. ---------- (L. 1945 p. 1194 § 8392b)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.140 - Safety glass on vehicles for hire and school buses.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.140. Safety glass on vehicles for hire and school buses. —It shall be unlawful after January 1, 1936, to operate on any public highway or street, in this state, a motor vehicle registered in the state of Missouri, manufactured or assembled after said date, designed or used for the purpose of carrying passengers for hire, or designed or used for the purpose of carrying school children, unless such vehicle be equipped in all doors, windows and windshields with safety glass. ---------- (RSMo 1939 § 8389)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.145 - Sale of vehicles without safety glass prohibited.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.145. Sale of vehicles without safety glass prohibited. —It shall be unlawful after January 1, 1936, to sell in the state of Missouri, any motor vehicle, manufactured or assembled after said date, and designed for the purpose of carrying passengers, unless such vehicle be equipped in all doors, windows, rear windows and windshields with safety glass. ---------- (RSMo 1939 § 8390)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.150 - List of approved glass.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.150. List of approved glass. —The state highway patrol shall maintain a list of approved types of glass which conform to the requirement of section 307.130 and shall furnish a copy of such list to the director of revenue and thereafter shall keep the director of revenue informed as to any changes in or additions to such list. ---------- (RSMo 1939 § 8392, A.L. 1945 p. 1194)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.155 - Violation a misdemeanor.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.155. Violation a misdemeanor. —Any person violating any of the provisions of sections 307.130 to 307.160 shall be deemed guilty of a class C misdemeanor and shall be punished by a fine of not to exceed fifty dollars for each offense. ---------- (RSMo 1939 § 8393, A.L. 1996 H.B. 1047, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.160 - Revocation of permit by public service commission.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.160. Revocation of permit by public service commission. —In addition to the penalty provided by section 307.155 in case of the violation of sections 307.130 to 307.160 by any common carrier or person operating under a permit or a certificate of public convenience or necessity issued by the Missouri public service commission, or other authorized body or person, said permit shall be revoked, or, in the discretion of the commission, suspended until the provisions of sections 307.130 to 307.160 are satisfactorily complied with. ---------- (RSMo 1939 § 8394)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.165 - Seat safety belts standard equipment, when — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.165. Seat safety belts standard equipment, when — penalty. —1. No four-wheeled passenger motor vehicle other than motorbuses manufactured or assembled after June 30, 1964, and designated as a 1965 or later year model, shall be sold or registered in this state unless it is equipped with at least two sets of seat safety belts for the front seat of the motor vehicle. As used in this section the term"set of seat safety belts"means a combination of belts, buckle and brackets meeting SAE J-4 or higher standards. The state highway patrol shall maintain a list of seat safety belts which meet SAE J-4 or higher standards and shall furnish a copy of the list to the director of revenue and keep the

director informed as to any changes or additions to the list. 2. Violation of this section shall be a misdemeanor and be punished as provided by law. ---------- (L. 1963 p. 423 § 304.555)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.170 - Other equipment of motor vehicles — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.170. Other equipment of motor vehicles — violations, penalty. —1. Signaling devices: Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time. 2. Muffler cutouts: Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion. 3. Brakes: All motor vehicles, except motorcycles, shall be provided at all times with two sets of adequate brakes, kept in good working order, and motorcycles shall be provided with one set of adequate brakes kept in good working order. 4. Mirrors: All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat. 5. Projections on vehicles: All vehicles carrying poles or other objects, which project more than five feet from the rear of such vehicle, shall, during the period when lights are required by this chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen inches square, shall be displayed at the end of such projection. 6. Towlines: When one vehicle is towing another, the connecting device shall not exceed fifteen feet. During the time that lights are required by sections 307.020 to 307.120, the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable, or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. 7. The provisions of subsection 6 of this section shall not apply to farm implements, or to any vehicle which is not required to be registered. 8. Commercial motor vehicles and trailers: When being operated on any highway of this state shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank, and any other safety equipment required by the state in such condition so as to obtain a certificate of inspection and approval as required by the provisions of section 307.360. 9. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways of this state. 10. Violation of this section shall be deemed an infraction. ---------- (RSMo 1939 § 8387, A.L. 1983 H.B. 539, A.L. 1991 S.B. 292, A.L. 1996 H.B. 1047) Prior revisions: 1929 § 7779; 1919 §§ 7583, 7584; 1909 § 8515 CROSS REFERENCE: For penalty for violation of this section, 304.570 (1951) Common carrier who leased truck and engaged independent contractor to operate same would be liable for negligence in failing to maintain brakes on such truck as required by this section. Virgil v. Riss & Co. (A.), 241 S.W.2d 96. (1956) Where evidence was sufficient to justify finding that defendant's automobile was not equipped with two sets of brakes as required, defendant could offer proof of legal excuse such as that occurrence without his fault made compliance impossible. Wilson v. Shumate (Mo.), 296 S.W.2d 72. (1958) Where owner employed mechanic to check brakes on truck and told him of defective foot brakes, and mechanic was injured driving the truck, the owner's failure to maintain two sets of brakes was "excusable" or "justifiable". Rice v. Allen (Mo.), 309 S.W.2d 629. (1958) Instruction to the effect that under the evidence the defendants were guilty of negligence as matter of law in failing to equip and maintain two sets of adequate brakes and that if jury found that plaintiff's injuries and damages were direct and proximate result of collision then verdict should be for plaintiff was error as whether brakes were adequate and whether violation of statute was proximate cause of collision were questions of fact for the jury. Beezley v. Spiva (Mo.), 313 S.W.2d 691. (1960) Where the record failed to show that the person operating vehicle did not have sufficient time and sufficient distance between it and the car with which it collided to have used properly working brakes to any saving advantage, the proof of the fact that the car had inadequate brakes was held not sufficient to create negligence per se in damage suit. O'Neill v. Claypool (Mo.), 341 S.W.2d 129. (1960) Owner or operator of a motor vehicle, who has satisfied a legal obligation to a third person injured as the result of defective brakes in the vehicle, held entitled to recover indemnity from the person responsible for furnishing the defective vehicle. Allied Mutual Casualty Corp. v. General Motors Corp., 279 F.2d 455. (1973) Held that the operator of a vehicle must bear responsibility for its defective brakes. Baker v. Ford Motor Co. (Mo.), 501 S.W.2d 11.

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.171 - Studded tires, prohibited when — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.171. Studded tires, prohibited when — penalty. —1. No person shall operate any motor vehicle upon any road or highway of this state between the first day of April and the first day of November while the motor vehicle is equipped with tires containing metal or carbide studs. 2. Any person violating the provisions of this section is guilty of an infraction. ---------- (L. 1976 S.B. 515 § 1, A.L. 1996 H.B. 1047)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.172 - Altering passenger motor vehicle by raising front or rear of vehicle prohibited, when — bumpers front and rear required, when, exemptions — violations not to pass inspection — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.172. Altering passenger motor vehicle by raising front or rear of vehicle prohibited, when — bumpers front and rear required, when, exemptions — violations not to pass inspection — penalty. —1. No person shall operate any passenger motor vehicle upon the public streets or highways of this state, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle. 2. Every motor vehicle which is licensed in this state and operated upon the public streets or highways of this state shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows: 3. A motor vehicle in violation of this section shall not be approved during any motor vehicle safety inspection required pursuant to sections 307.350 to 307.390. 4. Any person knowingly violating the provisions of this section is guilty of a class C misdemeanor. ---------- (L. 1973 H.B. 140 § 1, A.L. 1986 H.B. 867, A.L. 1987 H.B. 78, A.L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.173 - Specifications for sun-screening device applied to windshield or windows — permit required, when — exceptions — rules, procedure — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.173. Specifications for sun-screening device applied to windshield or windows — permit required, when — exceptions — rules, procedure — violations, penalty. —1. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent. Except as provided in subsection 5 of this section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this subsection, may be issued by the department of public safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The director of the department of public safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree by consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person, who resides in the household. Except as provided in subsection 2 of this section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited. 2. This section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in section 700.010, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass. 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. 4. Any person who violates the provisions of this section is guilty of a class C misdemeanor. 5. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this

section. ---------- (L. 1985 H.B. 501 § 1, A.L. 1987 H.B. 78, A.L. 1993 S.B. 52, A.L. 1994 S.B. 475, A.L. 1995 S.B. 3, A.L. 1997 S.B. 121, A.L. 2001 S.B. 244, A.L. 2002 H.B. 1386 & 1038 merged with S.B. 727 & 703, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.175 - Sirens and flashing lights, use of, when — permits — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.175. Sirens and flashing lights, use of, when — permits — violation, penalty. —1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. 2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights: (a) Emergency vehicles, as defined in section 304.022, when responding to an emergency; (b) Vehicles operated as described in subsection 1 of this section; (c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision; (d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner's office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer. (2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights: (a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation; (b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs; (c) Vehicles and equipment operated by a utility worker performing work for the utility, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, a utility worker is present, and such work zone is designated by a sign or signs. As used in this paragraph, the term"utility worker"means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications or cable services, or sewer services, whether privately, municipally, or cooperatively owned. 3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor. ---------- (L. 1957 p. 623 § 1, A.L. 1971 H.B. 113, A.L. 1981 H.B. 183, A.L. 2004 S.B. 757 merged with S.B. 788, A.L. 2016 S.B. 732, A.L. 2017 S.B. 8 merged with S.B. 222, A.L. 2018 S.B. 881, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.177 - Transporting hazardous materials, equipment required — federal physical requirements not applicable, when — violations, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.177. Transporting hazardous materials, equipment required — federal physical requirements not applicable, when — violations, penalty. —1. It is unlawful for any person to operate any bus, truck, truck-tractor and trailer combination, or other commercial motor vehicle and trailer upon any highway of this state, whether intrastate transportation or interstate transportation, unless such transportation is conducted in accordance with the hazardous material regulations established by the United States Department of Transportation pursuant to Title 49, Code of Federal Regulations, as such regulations have been and may periodically be amended. 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988. 3. Failure to comply with the requirements of this section may result in the commercial motor vehicle and trailer and driver of such vehicle and trailer being placed out of service. Criteria used for placing drivers and vehicles out of service are the North American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United States Department of Transportation, as such criteria have been and may periodically be amended. 4. Violation of this section shall be deemed a class A misdemeanor. ---------- (L. 1983 H.B. 539 § 307.171, A.L. 1988 S.B. 423, A.L. 1991 H.B. 251, A.L. 2002 S.B. 712, A.L. 2003 H.B. 371)

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.178 - Seat belts required for passenger cars — passenger cars defined — exceptions — failure to comply, effect on evidence and damages, admissible as evidence, when — penalty — passengers in car exceeding number of seat belts not violation for failure to use.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.178. Seat belts required for passenger cars — passenger cars defined — exceptions — failure to comply, effect on evidence and damages, admissible as evidence, when — penalty — passengers in car exceeding number of seat belts not violation for failure to use. —1. As used in this section, the term"passenger car"means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross weight of twelve thousand pounds or more. 2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section and section 307.179 shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under sixteen years of age, as provided in section 307.179. 3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179. 4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances: (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff; (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence. 5. Notwithstanding any other provision of law to the contrary, subsection 4 of this section shall not apply to any action arising out of the design, construction, manufacture, distribution, or sale of a motor vehicle, as defined in section 301.010, factory-equipped with a safety belt. In such actions arising out of the design, construction, manufacture, distribution, or sale of a motor vehicle, a plaintiff's failure to wear a properly adjusted and fastened safety belt shall be admissible as evidence of comparative negligence or fault, causation, absence of a defect or hazard, and failure to mitigate damages. 6. Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, for a violation of this section. 7. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The commission shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. Section 402. 8. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section 302.178. ---------- (L. 1985 S.B. 43 § 1, A.L. 1988 H.B. 1512, A.L. 1997 S.B. 121, A.L. 2006 S.B. 872, et al., A.L. 2019 S.B. 30) Effective 1-01-20

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.179 - Definitions — transporting children under sixteen years of age, restraint systems — penalty — exceptions — program of public information.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.179. Definitions — transporting children under sixteen years of age, restraint systems — penalty — exceptions — program of public information. —1. As used in this section, the following terms shall mean: (1)"Child booster seat", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system; (2)"Child passenger restraint system", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system; (3)"Driver", a person who is in actual physical control of a motor vehicle. 2. Every

driver transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this state, for providing for the protection of such child as follows: (1) Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child; (2) Children weighing less than forty pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child; (3) Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child; (4) Children at least eighty pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child; (5) A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation; (6) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this section.--This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen years of age being transported in a motor vehicle. --This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen years of age being transported in a motor vehicle. 3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars and court costs. Any driver who violates subdivision (4) of subsection 2 of this section shall be subject to the penalty in subsection 6*of section 307.178. If a driver receives a citation for violating subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation. 4. The provisions of this section shall not apply to any public carrier for hire. The provisions of this section shall not apply to students four years of age or older who are passengers on a school bus designed for carrying eleven passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in section 301.010. 5. The highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. ---------- (L. 2006 S.B. 872, et al. § 307.182) *Statutory reference to subsection "5" changed to "6" in accordance with section 3.060 based on renumbering within section 307.178 in S.B. 30, 2019.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.180 - Bicycle and motorized bicycle, defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.180. Bicycle and motorized bicycle, defined. —As used in sections 307.180 to 307.193: (1) The word"bicycle"shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, or two parallel wheels and one or two forward or rear wheels, all of which are more than fourteen inches in diameter, except scooters and similar devices; (2) The term"motorized bicycle"shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, but excluding an electric bicycle, as defined in section 301.010. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy. ---------- (L. 1977 H.B. 79 § 1, A.L. 1980 H.B. 995 & 1051, A.L. 1988 H.B. 990, A.L. 2005 H.B. 487 merged with S.B. 372, A.L. 2021 S.B. 176)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.183 - Brakes required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.183. Brakes required. —Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement. ---------- (L. 1977 H.B. 79 § 2, A.L. 1980 H.B. 995 & 1051) Effective 6-20-80

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.185 - Lights and reflectors, when required — standards to be met.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.185. Lights and reflectors, when required — standards to be met. —Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following: (1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred feet; (2) A rear-facing red reflector, at least two square inches in reflective surface area, or a rear-facing red lamp, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet; (3) Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg, visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle

headlights at two hundred feet; and (4) Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred feet. The provisions of this subdivision shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles. ---------- (L. 1977 H.B. 79 § 3, A.L. 1980 H.B. 995 & 1051, A.L. 1995 S.B. 471)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.188 - Rights and duties of bicycle, electric bicycle, and motorized bicycle riders.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.188. Rights and duties of bicycle, electric bicycle, and motorized bicycle riders. —Every person riding a bicycle, electric bicycle, or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by chapter 304, except as to special regulations in sections 307.180 to 307.193 and except as to those provisions of chapter 304 which by their nature can have no application. ---------- (L. 1977 H.B. 79 § 4, A.L. 1980 H.B. 995 & 1051, A.L. 2021 S.B. 176)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.190 - Riding to right, required for bicycles and motorized bicycles.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.190. Riding to right, required for bicycles and motorized bicycles. —Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles. ---------- (L. 1977 H.B. 79 § 5, A.L. 1980 H.B. 995 & 1051, A.L. 1995 S.B. 471)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.191 - Bicycle to operate on the shoulder adjacent to roadway, when — roadway defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.191. Bicycle to operate on the shoulder adjacent to roadway, when — roadway defined. —1. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in section 307.190 or may operate on the shoulder adjacent to the roadway. 2. A bicycle operated on a roadway, or on the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway. 3. For purposes of this section and section 307.190,"roadway"is defined as and means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder. ---------- (L. 2005 H.B. 487 merged with S.B. 372)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.192 - Bicycle required to give hand or mechanical signals.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.192. Bicycle required to give hand or mechanical signals. —The operator of a bicycle shall signal as required in section 304.019, except that a signal by the hand and arm need not be given continuously if the hand is needed in the control or operation of or to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in section 304.019 or by extending such operator's right arm in a horizontal position so that the same may be seen in front of and in the rear of the bicycle. ---------- (L. 2005 H.B. 487 merged with S.B. 372)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.193 - Penalty for violation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.193. Penalty for violation. —Any person seventeen years of age or older who violates any provision of sections 307.180 to 307.194 is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen years of age violates any provision of sections 307.180 to 307.194 in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five days upon issuance of a receipt to the child riding it or to its owner. ---------- (L. 1977 H.B. 79 § 6, A.L. 1980 H.B. 995 & 1051, A.L. 2021 S.B. 176)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.194 - Electric bicycles — rights and privileges — label, requirements — modifications require new label — product safety standards — authorized to ride, where, exceptions — class 3 electric bicycles, special provisions.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.194. Electric bicycles — rights and privileges

— label, requirements — modifications require new label — product safety standards — authorized to ride, where, exceptions — class 3 electric bicycles, special provisions. —1. Except as otherwise provided in this section, every person riding an electric bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the operator of a bicycle. An electric bicycle shall be considered a vehicle to the same extent as a bicycle. 2. An electric bicycle or a person operating an electric bicycle is not subject to provisions of law that are applicable to motor vehicles, all-terrain vehicles, off-road vehicles, off-highway vehicles, motor vehicle rentals, motor vehicle dealers or franchises, or motorcycle dealers or franchises, including vehicle registration, certificates of title, drivers' licenses, and financial responsibility. 3. Beginning August 28, 2021, manufacturers and distributors of electric bicycles shall apply a permanent label to each electric bicycle. The label, which shall be affixed to the electric bicycle in a prominent location, shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle. The text on the label shall be Arial font and in at least nine-point type. 4. No person shall tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle unless he or she replaces the label required under subsection 3 of this section with a new label indicating the new classification. 5. An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission, 16 CFR 1512. 6. An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied. 7. An electric bicycle may be ridden where bicycles are permitted to travel, subject to the following provisions: (1) An electric bicycle may be ridden on bicycle or multi-use paths where bicycles are permitted; (2) Following notice and a public hearing, a municipality, local authority, or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations; (3) A municipality, local authority, or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path; and (4) The provisions of this subsection shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of the state having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail. 8. The use of class 3 electric bicycles shall be subject to the following provisions: (1) No person under sixteen years of age shall operate a class 3 electric bicycle. A person under sixteen years of age may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers; and (2) All class 3 electric bicycles shall be equipped with a speedometer that is capable of displaying the speed an electric bicycle is traveling in miles per hour. ---------- (L. 2021 S.B. 176)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.195 - License required — operation on interstate highway prohibited — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.195. License required — operation on interstate highway prohibited — violation, penalty. —1. No person shall operate a motorized bicycle on any highway or street in this state unless the person has a valid license to operate a motor vehicle. 2. No motorized bicycle may be operated on any public thoroughfare located within this state which has been designated as part of the federal interstate highway system. 3. Violation of this section shall be deemed a class C misdemeanor. ---------- (L. 1980 H.B. 995 & 1051 §§ 2, 3, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1996 H.B. 1047, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.196 - Equipment required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.196. Equipment required. —No person shall operate a motorized bicycle on any street or highway in this state unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission, this state being a party thereto as provided in section 307.250, and the regulation is hereby approved as provided in section 307.260, and the regulation shall be published in the code of state regulations. ---------- (L. 1980 H.B. 995 & 1051 § 4) Effective 6-20-80

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.198 - All-terrain vehicles, equipment required — penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.198. All-terrain vehicles, equipment required — penalty. —1. Every all-terrain vehicle, except those used in competitive events, shall have the following equipment: (1) A lighted headlamp and tail lamp which shall be in operation at any time in which an all-terrain vehicle is being used on any street or highway in this state pursuant to section 304.013; (2) An equilateral triangular emblem, to be mounted on the rear of such vehicle at least two feet above the roadway when such vehicle is operated upon any street or highway pursuant to section 300.348 or 304.013. The emblem shall be constructed of substantial material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in width. Each side of the emblem shall measure at least ten inches; (3) A braking system maintained in good operating condition; (4) An adequate muffler system in good working condition, and a United States Forest Service qualified spark arrester. 2. A violation of this section shall be an infraction. ---------- (L. 1988 H.B. 990, A.L. 2009 H.B. 683)

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2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.205 - Defined — requirements for operation.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.205. Defined — requirements for operation. —1. For the purposes of sections 307.205 to 307.211,"electric personal assistive mobility device"(EPAMD) shall mean a self-balancing, two nontandem wheeled device, designed to transport only one person, with an electric propulsion system with an average power of seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour. 2. An electric personal assistive mobility device may be operated upon a street, highway, sidewalk, and bicycle path. Every person operating such a device shall be granted all of the rights and be subject to all of the duties applicable to a pedestrian pursuant to chapter 304. 3. Persons under sixteen years of age shall not operate an electric personal assistive mobility device, except for an operator with a mobility-related disability. 4. An electric personal assistive mobility device shall be operated only on roadways with a speed limit of forty-five miles per hour or less. This shall not prohibit the use of such device when crossing roadways with speed limits in excess of forty-five miles per hour. 5. A city or town shall have the authority to impose additional regulations on the operation of an electric personal assistive mobility device within its city or town limits. ---------- (L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.207 - Equipment required.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.207. Equipment required. —Every electric personal assistive mobility device (EPAMD) when in use on a roadway during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with the following: (1) A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred feet; (2) A rear-facing red reflector, at least two square inches in reflective surface area, or a rear-facing red lamp, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred feet. ---------- (L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.209 - Roadway operation, requirements.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.209. Roadway operation, requirements. —Every person operating an electric personal assistive mobility device (EPAMD) at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. ---------- (L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.211 - Violations, penalties.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.211. Violations, penalties. —Any person seventeen years of age or older who violates any provision of sections 307.205 to 307.211 is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen years of age violates any provision of sections 307.205 to 307.211 in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, said officer may impound the electric personal assistive mobility device (EPAMD) involved for a period not to exceed five days upon issuance of a receipt to the child riding it or to its owner. ---------- (L. 2002 H.B. 1270 and H.B. 2032)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.250 - Compact — entered into.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.250. Compact — entered into. —The "Vehicle Equipment Safety Compact" is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows: ARTICLE I (a) The party states find that: (1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare. (2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles. (b) The purposes of this compact are to: (1) Promote uniformity in regulation of and standards for equipment. (2) Secure uniformity of law and

administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety. (3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article. (c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements. ARTICLE II As used in this compact: (a)"Vehicle"means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. (b)"State"means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. (c)"Equipment"means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants. ARTICLE III (a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the Commission. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the Commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business of the Commission. (b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present. (c) The Commission shall have a seal. (d) The Commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision. (e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the Commission, or the Commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel. (f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the Commission shall be eligible for Social Security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as the governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate. (g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions. (h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same. (i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein. (j) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all Commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide. (k) The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable. ARTICLE IV The Commission shall have power to: (a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields. (b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken. (c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing. (d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems. ARTICLE V (a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold

a hearing or hearings at such place or places as it may determine. (b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact. (c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment. (d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code. (e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state. (f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein. (g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporate in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision. ARTICLE VI (a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof. (b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations. (c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III(h) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III(h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same. (d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission. (e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission. (f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission. ARTICLE VII (a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission. (b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities. ARTICLE VIII The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities. ARTICLE IX (a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. (b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters. ---------- (L. 1965 p. 495 § 1)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.255 - Legislative findings.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.255. Legislative findings. —The general assembly finds that: (1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion; (2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation; (3) The director of revenue, acting upon recommendation of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by sections 307.250 to 307.295. ---------- (L. 1965 p. 495 § 2)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.260 - Rules not effective until approved by legislature.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.260. Rules not effective until approved by legislature. —Pursuant to article V(e) of the vehicle equipment safety compact, it is the intention of this state and it is hereby provided that no rule, regulation or code issued by the vehicle equipment safety commission in accordance with article V of the compact shall take effect until approved by an act of the legislature. ---------- (L. 1965 p. 495 § 3)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.265 - Director of revenue to be state's commissioner.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.265. Director of revenue to be state's commissioner. —The commissioner of this state on the vehicle equipment safety commission shall be the director of revenue who shall serve during his continuance as such officer. The commissioner of this state appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the commissioner designating such alternate. ---------- (L. 1965 p. 495 § 4)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.270 - State employees retirement system may agree with commission on coverage of employees.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.270. State employees retirement system may agree with commission on coverage of employees. —The Missouri state employees retirement system may make an agreement with the vehicle equipment safety commission for the coverage of said commission's employees pursuant to article III(f) of the compact. Any such agreement, as nearly as may be, shall provide for arrangements similar to those available to the employees of this state and shall be subject to amendment or termination in accordance with its terms. ---------- (L. 1965 p. 495 § 5)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.275 - State agencies to cooperate with commission.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.275. State agencies to cooperate with commission. —Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the vehicle equipment safety commission within the scope contemplated by article III(h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission. ---------- (L. 1965 p. 495 § 6)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.280 - Documents to be filed with secretary of state.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.280. Documents to be filed with secretary of state. —Filing of documents as required by article III(j) of the compact shall be with the secretary of state. Any and all notices required by commission bylaws to be given pursuant to article III(j) of the compact shall be given to the commissioner of this state and his alternate, if any. ---------- (L. 1965 p. 495 § 7)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.285 - Commission to submit budget to commissioner of administration.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.285. Commission to submit budget to commissioner of administration. —Pursuant to article VI(a) of the compact, the vehicle equipment safety commission shall submit its budgets to the commissioner of administration. ---------- (L. 1965 p. 495 § 8)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.290 - State auditor may inspect commission's accounts.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.290. State auditor may inspect commission's accounts. —Pursuant to article VI(e) of the compact, the state auditor is hereby empowered and authorized to inspect the accounts of the vehicle equipment safety commission. ---------- (L. 1965 p. 495 § 9)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.295 - Executive head defined.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.295. Executive head defined. —The term"executive head"as used in article IX(b) of the compact shall, with reference to this state, mean the governor. ---------- (L. 1965 p. 495 § 10) CROSS REFERENCE: Penalties for violations of sections 307.020 to 307.295, exceptions, 304.570

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.350 - Motor vehicles, biennial inspection required, exceptions — authorization to operate vehicle to inspection station for inspection — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.350. Motor vehicles, biennial inspection required, exceptions — authorization to operate vehicle to inspection station for inspection — violation, penalty. —1. The owner of every motor vehicle as defined in section 301.010 which is required to be registered in this state, except: (1) Motor vehicles having less than one hundred fifty thousand miles, for the ten-year period following their model year of manufacture, excluding prior salvage vehicles immediately following a rebuilding process and vehicles subject to the provisions of section 307.380; (2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and (3) Historic motor vehicles registered pursuant to section 301.131; (4) Vehicles registered in excess of twenty-four thousand pounds for a period of less than twelve months; --shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred; however, if a vehicle was purchased from a motor vehicle dealer and a valid inspection had been made within sixty days of the purchase date, the new owner shall be able to utilize an inspection performed within ninety days prior to the application for registration or transfer. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him. 2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license. 3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144 or a set of any license plates available pursuant to section 301.142, prior to the expiration date of such motor vehicle's current registration. 4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction. ---------- (L. 1967 p. 418 § 1, A.L. 1971 S.B. 110, A.L. 1975 S.B. 313, A.L. 1984 S.B. 505 & 471, A.L. 1992 S.B. 465, A.L. 1996 H.B. 1047, A.L. 1999 S.B. 19, A.L. 2009 H.B. 683, A.L. 2018 S.B. 707 merged with S.B. 881, A.L. 2019 S.B. 89)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.353 - No safety inspection required during registration period which exceeds two years.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.353. No safety inspection required during registration period which exceeds two years. —Other provisions of law notwithstanding, no person shall be required to have a biennial vehicle inspection during a registration period which exceeds two years. The inspection required at the beginning of the registration period shall be valid for the entire registration period. ---------- (L. 1974 H.B. 1526, A.L. 1999 S.B. 19) Effective 7-01-00

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.355 - Current inspection required for registration or transfer, exception — inspection valid, how long.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.355. Current inspection required for registration or transfer, exception — inspection valid, how long. —1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued during a biennial registration year in which the vehicle is required to be inspected unless the application is accompanied by a certificate of inspection and approval issued no more than sixty days prior to the date of application, or in the case of school buses, which will be required to be inspected annually as provided in section 307.375, except: (1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri; (2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring. 2. If due to interstate operation a commercial motor vehicle as defined in section 301.010 or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state. 3. After a commercial motor vehicle as defined in section 301.010 has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period. ---------- (L. 1967 p. 418 § 2, A.L. 1971 S.B. 110, A.L. 1974 H.B. 1526, A.L. 1999 S.B. 19) Effective 7-01-00

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.360 - Permits and instructions furnished by superintendent — items to be inspected — inspection stations, permit fee, permit renewal — application contents — mechanic's examination — revocation of permits, hearing on.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.360. Permits and instructions furnished by superintendent — items to be inspected — inspection stations, permit fee, permit renewal — application contents — mechanic's examination — revocation of permits, hearing on. —1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the inspection procedure. 2. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official inspection station and the qualifications for persons who conduct the inspections, and no applicant may be approved to operate an official inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed. The superintendent of the Missouri state highway patrol shall establish standards and procedures to be followed in the making of inspections required by sections 307.350 to 307.390 and shall prescribe rules and regulations for the operation of the stations. 3. (1) The application for permit as an official inspection station shall be made to the superintendent of the Missouri state highway patrol on a form furnished by the superintendent. The fee for a permit to operate an official inspection station shall be ten dollars per year and each permit shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by him in the state treasury to the credit of the state highway fund. (2) The application shall set forth the name under which applicant transacts or intends to transact business, the location of the applicant's place of business and such other information as the superintendent of the Missouri state highway patrol may require. If the applicant has or intends to have more than one place of business within the state, a separate application shall be made for each place of business. If the applicant is a partnership, the application shall set forth the names of the partners; if a corporation, the names of the officers shall be shown. The application shall be signed and verified by oath or affirmation of the

owner or an authorized officer or partner. (3) Each location which fulfills the superintendent of the Missouri state highway patrol's requirements and whose owners, proprietors and employees comply with the superintendent's regulations and qualifications shall be designated as an official inspection station and the applicant issued a certificate. The superintendent of the Missouri state highway patrol shall investigate all applicants for inspection station permits to determine whether or not the premises, equipment and personnel meet the requirements prescribed by him. (4) Any automobile mechanic who has had at least one year of practical experience as an automotive mechanic or any person who has successfully completed a course of vocational instruction in automotive mechanics from a generally recognized educational institution, either public or private, and who has demonstrated the knowledge and ability to conduct an inspection in compliance with the regulations established by the superintendent of the Missouri state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol. (5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity. 4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390 are not being complied with, or that the business of an official inspection station, in connection with corrections, adjustments, repairs or inspection of vehicles is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of sections 307.350 to 307.390, he or she is subject to prosecution as provided in section 307.390. (2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee. (3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536. ---------- (L. 1967 p. 418 § 3, A.L. 1971 S.B. 110, A.L. 1973 S.B. 131, A.L. 1979 S.B. 20, A.L. 1999 S.B. 19) Effective 7-01-00

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.365 - Inspection station permit not transferable — approval to be on official form — report to superintendent — defects, correction of, who may make — inspection fee — sticker fee — inspection fund, created, purpose — discontinuation of station, procedures.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.365. Inspection station permit not transferable — approval to be on official form — report to superintendent — defects, correction of, who may make — inspection fee — sticker fee — inspection fund, created, purpose — discontinuation of station, procedures. —1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official

inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station. 2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited. 3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390. 4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station. 5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made. 6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund. 7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol. 8. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor. 9. The owner or operator of any inspection station shall maintain liability insurance at all times to cover possible damage to vehicles during the inspection process. ---------- (L. 1967 p. 418 § 4, A.L. 1971 S.B. 110, A.L. 1973 H.B. 207, A.L. 1979 S.B. 20, A.L. 1983 S.B. 315, A.L. 1992 S.B. 465, A.L. 1999 S.B. 19, A.L. 2009 H.B. 683, A.L. 2012 H.B. 1402)

Title: title-xix

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.370 - Prohibited acts.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.370. Prohibited acts. —1. No person shall represent in any manner any place as an official inspection station unless the station is operated under a valid permit issued by the superintendent of the Missouri state highway patrol. 2. No person unless then holding a valid permit shall issue a certificate of inspection and approval, sticker, seal or other device. 3. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection, sticker, seal or other device. 4. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval, sticker, seal or other device knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made. ---------- (L. 1967 p. 418 § 5, A.L. 1971 S.B. 110)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.375 - Inspection of school buses — items covered — violations, when corrected, notice to patrol — spot checks authorized.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.375. Inspection of school buses — items covered — violations, when corrected, notice to patrol — spot checks authorized. —1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition: (1) All mirrors, including crossview, inside, and outside; (2) The front and rear warning flashers; (3) The stop signal arm; (4) The crossing control arm on public school buses required to have them pursuant to section 304.050; (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur; (6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper; (7) The emergency doors and exits to determine them to be unlocked and easily opened as required; (8) The lettering and signing on the front, side and rear of the bus; (9) The service door; (10) The step treads; (11) The aisle mats or aisle runners; (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher; (13) The seats, including a determination that they are securely fastened to the floor; (14) The emergency door buzzer; (15) All hand hold grips; (16) The interior glazing of the bus. 2. In addition to the inspection required by subsection 1 of this section, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following: (1) The driver seat belts; (2) The heating and defrosting systems; (3) The reflectors; (4) The bus steps; (5) The aisles; (6) The frame. 3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified. 4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable. 5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor. ---------- (L. 1967 p. 418 § 6, A.L. 1971 S.B. 110, A.L. 1975 H.B. 123, A.L. 1976 S.B. 725, A.L. 1997 S.B. 315, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2001 S.B. 244, A.L. 2004 H.B. 996 and H.B. 1142 and H.B. 1201 and H.B. 1489 merged with S.B. 899, A.L. 2009 H.B. 683)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.380 - Accidents, reinspection required, when — certain sales exempt from inspection requirement — violation, penalty.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.380. Accidents, reinspection required, when — certain sales exempt from inspection requirement — violation, penalty. —1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every used motor vehicle of the type required to be inspected by section 307.350 shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new certificate of inspection and approval, sticker, seal or other device shall be obtained. 2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein.

No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle. 3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction. ---------- (L. 1967 p. 418 § 8, A.L. 1971 S.B. 110, A.L. 1992 S.B. 465, A.L. 1993 S.B. 105, A.L. 1996 H.B. 1047, A.L. 2021 S.B. 49) (1990) Missouri safety inspection cannot be disclaimed unless the vehicle is sold for junk, salvage or rebuilding. Selling a vehicle "as is" does not alleviate the seller's need to comply with the safety inspection statutes. (Mo.App.) Viene v. Concours Auto Sales, Inc., 787 S.W.2d 814.

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.385 - Director of revenue to suspend registration of unapproved vehicle on written notice of superintendent.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.385. Director of revenue to suspend registration of unapproved vehicle on written notice of superintendent. —The superintendent of the Missouri state highway patrol may notify the director of revenue and the director of revenue shall suspend the registration of any vehicle which the superintendent of the Missouri state highway patrol determines, after a written notice, is not equipped as required by law or for which a certificate required by sections 307.350 to 307.390 has not been obtained. ---------- (L. 1967 p. 418 § 9, A.L. 1971 S.B. 110)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.390 - Penalty for violation — superintendent of highway patrol may assign persons to enforce inspections laws.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.390. Penalty for violation — superintendent of highway patrol may assign persons to enforce inspections laws. —1. Any person who violates any provision of sections 307.350 to 307.390 is guilty of a misdemeanor and upon conviction shall be punished as provided by law. 2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent. ---------- (L. 1967 p. 418 § 10, A.L. 1999 H.B. 603, et al. merged with S.B. 19, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540) CROSS REFERENCE: General penalty for violation of §§ 307.020 to 307.295, 304.570

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.400 - Commercial vehicles, equipment and operation, regulations, exceptions — violations, penalty — rulemaking authority.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.400. Commercial vehicles, equipment and operation, regulations, exceptions — violations, penalty — rulemaking authority. —1. It is unlawful for any person to operate any commercial motor vehicle as defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code of Federal Regulations, as such regulations have been and may periodically be amended, whether intrastate transportation or interstate transportation. Members of the Missouri state highway patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect the contents when reasonable grounds exist to cause belief that the vehicle is transporting hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of the department of public safety is hereby authorized to further regulate the safety of commercial motor vehicles and trailers as he deems necessary to govern and control their operation on the public highways of this state by promulgating and publishing rules and regulations consistent with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by the director, require: (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in a safe condition at all times; (2) Accidents arising from or in connection with the operation of commercial motor vehicles and trailers to be reported to the department of public safety in such detail and in such manner as the director may require.--Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this section shall not apply to any commercial motor vehicle operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less when used exclusively for the transportation of solid waste or forty-two thousand pounds or less when the license plate has been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal Regulations. --Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this section shall not apply to any commercial motor vehicle operated in intrastate commerce and licensed for a gross weight of sixty thousand pounds or less when used exclusively for the transportation of solid waste or forty-two thousand pounds or less when the license plate has been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri, unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal Regulations. 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical

requirements of drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988. Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this state may operate such vehicle intrastate at the age of eighteen years or older, except that any person transporting hazardous material must be at least twenty-one years of age. 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service if the vehicles are not equipped and operated according to the requirements of this section. Criteria used for placing vehicles and drivers out of service are the North American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United States Department of Transportation, as such criteria have been and may periodically be amended. 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any vehicle owned or operated by any public utility, rural electric cooperative or other public service organization, or to the driver of such vehicle, while providing restoration of essential utility services during emergencies and operating intrastate. For the purposes of this subsection, the term"essential utility services"means electric, gas, water, telephone and sewer services. 5. Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight rating or gross combination weight rating of twenty-six thousand pounds or less. The exception provided by this subsection shall not apply to: (1) Vehicles transporting hazardous materials and which are not covered farm vehicles as provided in subdivision (3) of this subsection; (2) Vehicles designed to transport sixteen or more passengers including the driver as defined by Title 49 of the Code of Federal Regulations; or (3) Vehicles which are defined as covered farm vehicles pursuant to federal laws and regulations and are transporting hazardous materials that require a placard as required by 49 CFR 100-180.--Nothing in this subsection shall be construed to prohibit persons designated by the department of public safety from inspecting vehicles defined in this subsection. --Nothing in this subsection shall be construed to prohibit persons designated by the department of public safety from inspecting vehicles defined in this subsection. 6. Violation of any provision of this section or any rule promulgated as authorized therein is a class B misdemeanor. 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void. ---------- (L. 1984 H.B. 1410 §§ 307.400, 307.401, A.L. 1986 H.B. 1428, H.B. 1572, A.L. 1988 S.B. 423, A.L. 1991 H.B. 251, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1999 S.B. 19, A.L. 2003 H.B. 371, A.L. 2004 S.B. 1233, et al., A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540, A.L. 2013 H.B. 103)

2024 Missouri Revised StatutesTitle XIX - Motor Vehicles, Watercraft and AviationChapter 307 - Vehicle Equipment RegulationsSection 307.402 - Inspection of state-owned vehicles, responsibility for.

Title XIX MOTOR VEHICLES, WATERCRAFT AND AVIATION Chapter 307 307.402. Inspection of state-owned vehicles, responsibility for. —All state agencies owning motor vehicles shall be responsible for obtaining an inspection of each of their vehicle's mechanism and equipment in accordance with the provisions of sections 307.350 to 307.402 and obtaining a certificate of inspection and approval and a sticker, seal or other device from a duly authorized official inspection station. ---------- (L. 2002 H.B. 1270 and H.B. 2032) Effective 7-11-02

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.021 - Selection of grand jurors, summons and jury qualification form — notification of persons not qualified to serve — alternate grand jurors — length of service — compensation.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.021. Selection of grand jurors, summons and jury qualification form — notification of persons not qualified to serve — alternate grand jurors — length of service — compensation. —1. Upon order of the presiding judge of the circuit court, or a judge designated by the presiding judge, names of prospective grand jurors shall be randomly selected from the master jury list in the manner determined by the board of jury commissioners. A summons for grand jury service and a juror qualification form shall be mailed or personally served to those persons selected in the form and as required by section 494.415 for petit jurors. 2. If it is determined from an examination of the juror qualification form that a person is not qualified to serve as a grand juror, that person shall be notified in a manner directed by the board of jury commissioners, and shall not be required to comply with the summons for grand jury service. The names of disqualified persons shall be deleted from the grand jury list. 3. Those prospective grand jurors not disqualified from grand jury service shall constitute the grand jury list. If later determined to be ineligible or disqualified, their names shall be deleted from the master jury list. 4. Those persons summoned for grand jury service shall be placed under the control and supervision of the presiding judge of the circuit court, or a judge designated by the presiding judge, who shall select twelve persons to serve as grand jurors. Alternate grand jurors as determined by the judge shall also be selected, to serve as a grand juror upon the death, disqualification, or inability of one of the persons selected as a regular grand juror. The names of those persons selected as grand jurors and alternate grand jurors shall be deleted from the grand jury list. 5. The presiding judge of the circuit court, or a judge designated by the presiding judge, shall have the authority to convene,

recess, and adjourn a grand jury as, in his discretion, he deems necessary, and at times and places as he specifies. No grand jury shall be required to serve for longer than a six-month period, except such term may be extended for a period not to exceed sixty days, solely for the purpose of considering and completing matters already before the grand jury. No new matters shall be presented to the grand jury during its extended service. Nothing contained in this section prevents the convening of another grand jury during such extended service. 6. Compensation shall be allowed grand jurors in the same amount as is provided by law for petit jurors pursuant to section 494.455. ---------- (L. 1989 S.B. 127, et al., A.L. 2003 H.B. 613)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.031 - Duties of grand jury.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.031. Duties of grand jury. —A grand jury may make inquiry into and return indictments for all grades of crimes and shall make inquiry into all possible violations of the criminal laws as the court may direct. The grand jury may examine public buildings and report on their conditions. ---------- (L. 1989 S.B. 127, et al., A.L. 2005 S.B. 289)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.045 - Qualifications and exemptions from service.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.045. Qualifications and exemptions from service. —1. The provisions of sections 494.400 to 494.505 relating to the qualifications and disqualifications of petit jurors and exemptions from service as a petit juror are applicable to grand jurors drawn and selected under the provisions of this chapter. 2. In addition thereto, any person who has served as a member or alternate of a grand jury, or alternate, within ten years next preceding his selection shall not be eligible for service as a grand juror. ---------- (L. 1959 S.B. 246 § 4 (§540.025), A.L. 1984 S.B. 602, A.L. 1989 S.B. 127, et al.)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.050 - Disqualification of grand juror — new juror summoned.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.050. Disqualification of grand juror — new juror summoned. —If any person is summoned as a grand juror who is not qualified as required by law, he may be challenged and discharged if such challenge is verified according to law or by his own oath. In such case, and also in case of nonattendance of any grand juror after he shall have been qualified, or in case any grand juror is excused by the court from further service for any cause, the court shall cause another grand juror to be summoned and sworn. ---------- (RSMo 1939 § 710, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 8759; 1919 § 6620; 1909 § 7271

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.060 - Challenge of grand jurors — grounds.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.060. Challenge of grand jurors — grounds. —Before a grand juror is sworn, any person held to answer a criminal charge may object to the competency of the grand juror on the ground that the grand juror is the prosecutor or complainant upon any charge against such person, or that the grand juror is a witness on the part of the prosecutor and has been summoned or bound in a recognizance as such. If such objection is established, the person so challenged shall be excused. ---------- (RSMo 1939 § 3903, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3514; 1919 § 3859; 1909 § 5067

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.070 - Challenge for other causes not allowed.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.070. Challenge for other causes not allowed. —No challenge to the array of grand jurors, or to any person summoned as a grand juror, shall be allowed except as provided in section 540.045 and in section 540.050. ---------- (RSMo 1939 § 3904, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3515; 1919 § 3860; 1909 § 5068

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.080 - Oath of grand jurors.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.080. Oath of grand jurors. —Grand jurors may be sworn in the following form: Do you solemnly swear you will diligently inquire and true presentment make, according to your charge, of all offenses against the laws of the state committed or triable in this county of which you have or can obtain legal evidence; the counsel of your state, your fellows and your own, you shall truly keep secret? You further swear that you will present no one for any hatred, malice or ill will; neither will you leave unpresented any one for love, fear, favor or affection, or for any reward or the hope or promise thereof, but that you will present things truly as they come to your knowledge, to the best of your understanding, according to the laws of this state, so help you God. ---------- (RSMo 1939 § 3905, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3516; 1919 § 3861; 1909 § 5069

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.090 - Foreperson of grand jury, appointment.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.090. Foreperson of grand jury, appointment. —From the persons selected to serve as grand jurors, the court shall appoint a foreperson. If such foreperson is discharged or excused before the grand jury is dismissed, the court shall appoint another foreperson. ---------- (RSMo 1939 § 3902, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3513; 1919 § 3858; 1909 § 5066

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.100 - Clerk of grand jury, appointment.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.100. Clerk of grand jury, appointment. —Every grand jury may appoint one of their number to be a clerk thereof, to preserve minutes of their proceedings and of the evidence given before them. The minutes shall be given to the prosecuting or circuit attorney when the grand jury is discharged from further service. ---------- (RSMo 1939 § 3911, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3522; 1919 § 3867; 1909 § 5075

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.105 - Reporter to record testimony — oath.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.105. Reporter to record testimony — oath. —An official reporter of the circuit court, when directed by the judge thereof, shall take down and transcribe for the use of the prosecuting or circuit attorney any or all evidence given before the grand jury. Before taking down any such evidence, however, such reporter shall be sworn by the foreperson of such grand jury not to divulge any of the proceedings or testimony before the grand jury or the names of any witnesses except to the prosecuting or circuit attorney or to any attorney lawfully assisting him in the prosecution of an indictment brought by such grand jury. ---------- (L. 1951 p. 460, A.L. 1989 S.B. 127, et al.) (1956) In suit for damages against prosecuting attorney and sheriff for extorting money from plaintiff under threat of criminal prosecution, evidence before grand jury of the execution and contents of documents which were lost after presentation to grand jury was admissible. Mannon v. Frick, 365 Mo. 1203, 295 S.W.2d 158.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.106 - Grand jury proceeding to be recorded, when — transcript to defendant.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.106. Grand jury proceeding to be recorded, when — transcript to defendant. —Any grand jury proceeding that includes testimony or other information from a witness who is granted immunity from prosecution shall be a recorded proceeding. In the event a person is indicted as a result of such immunized testimony, the prosecutor shall provide a transcription of such testimony to all defendants. ---------- (L. 1997 H.B. 339)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.110 - Foreperson — powers and duties — oath.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.110. Foreperson — powers and duties — oath. —The foreperson of every grand jury, from the time of his appointment to his discharge, shall be authorized to administer any oath, declaration or affirmation, in the manner prescribed by law, to any witness who shall appear before such grand jury, for the purpose of giving evidence in any matter cognizable by them. In addition to the usual oath, the foreperson, before such witness shall testify, shall administer to him or her the following oath: Do you further solemnly swear, or affirm, that you will not after your examination here, directly or indirectly, divulge or make known to any person or persons the fact that this grand jury has or has had under consideration the matters concerning which you shall be examined, or any other fact or thing which may come to your knowledge while before this body, or concerning which you shall here testify, unless lawfully required to testify in relation thereto? ---------- (RSMo 1939 § 3906, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3517; 1919 § 3862; 1909 § 5070 (1956) In suit for damages against prosecuting attorney and sheriff for extorting money from plaintiff under threat of criminal prosecution, evidence before grand jury of the execution and contents of documents which were lost after presentation to grand jury was admissible. Mannon v. Frick, 365 Mo. 1203, 295 S.W.2d 158. (1956) Trial court must determine whether, under all the circumstances present, and weighing the reasons for secrecy against the present need for disclosure, whether evidence before grand jury may be introduced. Mannon v. Frick, 365 Mo. 1203, 295 S.W.2d 158. (1959) Trial court held to have discretion to order the exhibition to an inspection by the defendant of parts of the grand jury transcript of the testimony of the defendant and of witnesses endorsed on the indictment against him only. State ex rel. Clagett v. James (Mo.), 327 S.W.2d 278.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.120 - Penalty for violation of oath.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.120. Penalty for violation of oath. —Any person having taken the oath required pursuant to section 540.110, who shall willfully violate the same, shall be adjudged guilty of a class B misdemeanor. ---------- (RSMo 1939 § 3907, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3518; 1919 § 3863; 1909 § 5071 (1959) Proceedings before grand jury, other than matters within antidisclosure provisions of section 540.310, held admissible in evidence in quo warranto proceeding to oust prosecuting attorney. State ex inf. Dalton v. Moody (Mo.), 325 S.W.2d 21.

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.130 - Prosecuting or circuit attorney to attend.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.130. Prosecuting or circuit attorney to attend. —Whenever required by any grand jury, it shall be the duty of the prosecuting or circuit attorney in the county, or in a city not within a county, to attend them for the purpose of examining witnesses in their presence, or giving them advice upon any legal matter. ---------- (RSMo 1939 § 3912, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3523; 1919 § 3868; 1909 § 5076

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.140 - Rights and privileges of prosecuting or circuit attorney.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.140. Rights and privileges of prosecuting or circuit attorney. —The prosecuting or circuit attorney shall be allowed at all times to appear before the grand jury on his request, for the purpose of giving information relative to any matter cognizable by them, and shall be permitted to interrogate witnesses before them, when they or he shall deem it necessary. No prosecuting or circuit attorney or any other officer or person, except the grand jurors, shall be permitted to be present during the expression of their opinions or the giving of*their votes on any matter before them. ---------- (RSMo 1939 § 3913, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3524; 1919 § 3869; 1909 § 5077 *Word "of" does not appear in original rolls.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.150 - Interpreter — appointment — oath.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.150. Interpreter — appointment — oath. —Whenever in the opinion of any grand jury it shall be necessary to have an interpreter of the testimony to be given before them by any witnesses, they may appoint such interpreter and permit him to be present in the grand jury room during the hearing of the testimony of such witnesses. The interpreter shall first be sworn by the foreperson not to divulge any of the proceedings before the grand jury or the names of any witnesses. The foreperson shall further swear the interpreter to correctly interpret all questions to the witness and all the witness' answers into English. ---------- (RSMo 1939 § 3935, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3546; 1919 § 3891

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.160 - Grand jury entitled to process — exception.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.160. Grand jury entitled to process — exception. —Whenever thereto required by any grand jury, or the foreperson thereof, or by the prosecuting or circuit attorney, the clerk of the court in which such jury is impaneled shall issue subpoenas and other process to bring witnesses to testify before such grand jury. After the finding and returning of any indictment by the grand jury, such foreperson, prosecuting or circuit attorney, or jury, shall not have the right to cause any subpoena or other process to be issued for any person who is known or believed by such foreperson, prosecuting or circuit attorney or jury to be a witness in behalf of the person or persons so indicted, or who has been subpoenaed as a witness in behalf of such person or persons, or who such foreperson, prosecuting or circuit attorney or jury may have reason to believe will be summoned as a witness in behalf of such person or persons, in regard to the matter or matters charged against such person or persons in such indictment, except upon the written order of the judge of the court into which such indictment is returned. ---------- (RSMo 1939 § 3914, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3525; 1919 § 3870; 1909 § 5078 (1953) Subpoena issued by court at request of prosecuting attorney, requiring production of records before grand jury and returnable at time grand jury was not in session and at time when matters affected by such records were not under grand jury investigation, was void both under the statutes and constitution of this state. State ex rel. Burke v. Scott, 364 Mo. 443, 262 S.W.2d 614.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.170 - Subpoenas in vacation, when issued.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.170. Subpoenas in vacation, when issued. —It shall be the duty of the circuit clerk to issue subpoenas for witnesses to be and appear before the grand jury of the circuit court thereafter, at the instance of the prosecuting or circuit attorney, whenever it shall be shown that such witnesses are about to absent themselves to avoid being subpoenaed before the grand jury. ---------- (RSMo 1939 § 3934, A.L. 1978 H.B. 1634, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3545; 1919 § 3890; 1909 § 5098

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.180 - Compulsory process, when issued.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.180. Compulsory process, when issued. —If any witness, duly summoned to appear and testify before a grand jury, shall fail or refuse to obey, the court shall cause compulsory process to be issued to enforce his attendance, and may punish the delinquent in the same manner and upon like proceedings as provided by law for disobedience of a subpoena issued out of such court in other cases. ---------- (RSMo 1939 § 3915) Prior revisions: 1929 § 3526;

1919 § 3871; 1909 § 5079

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.190 - Refusal to testify — proceedings.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.190. Refusal to testify — proceedings. —If any witness, appearing before a grand jury, refuses to testify or to answer any interrogatories in the course of his examination, the fact and the question refused shall be communicated to the court in writing. The court shall thereupon determine whether the witness is bound to answer or not, and the grand jury shall be immediately informed of the decision. ---------- (RSMo 1939 § 3916, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3527; 1919 § 3872; 1909 § 5080

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.200 - Witness may be compelled to testify.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.200. Witness may be compelled to testify. —If the court determines that the witness is bound to answer, and he persists in his refusal, he shall be brought before the court, who shall proceed therein in the same manner as if the witness had been interrogated and refused to answer in open court. ---------- (RSMo 1939 § 3917, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3528; 1919 § 3873; 1909 § 5081 (1961) Procedure in cases where witness refuses to answer questions of grand jury outlined. In re Presta v. Owsley (A.), 345 S.W.2d 649.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.210 - Continued refusal to testify — proceedings.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.210. Continued refusal to testify — proceedings. —If any such witness shall be committed for a contempt, on account of his refusal to testify, and shall persist in such refusal until the grand jury is dismissed, or until the expiration of his imprisonment, he shall not be discharged without leave of court and until he enters into a recognizance, with sufficient surety, for his appearance at such time as designated by the court. ---------- (RSMo 1939 § 3918, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3529; 1919 § 3874; 1909 § 5082

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.220 - Grand juror as witness, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.220. Grand juror as witness, when. —If a grand juror knows of the commission of an indictable offense, or any material fact touching the same, he must declare such fact to his fellows, and be sworn as a witness upon the investigation before them. ---------- (RSMo 1939 § 3930) Prior revisions: 1929 § 3541; 1919 § 3886; 1909 § 5094

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.230 - Indictment of grand juror — proceedings.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.230. Indictment of grand juror — proceedings. —Any grand juror may be indicted or presented by the grand jury of which he is a member. When any information shall be given against a grand juror, it shall be the duty of the foreperson at once to notify the prosecuting or circuit attorney of the fact. If, on examination, there are grounds for proceedings against such juror, the foreperson shall inform the judge of the court thereof, who shall discharge the juror, and if necessary, cause another to be summoned and sworn. ---------- (RSMo 1939 § 3919, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3530; 1919 § 3875; 1909 § 5083

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.240 - Bills of indictment.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.240. Bills of indictment. —All grand juries are hereby authorized to find and present bills of indictment for either felonies or misdemeanors committed against the laws of the state. ---------- (RSMo 1939 § 3908) Prior revisions: 1929 § 3519; 1919 § 3864; 1909 § 5072

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.250 - True bill — concurrence by nine grand jurors.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.250. True bill — concurrence by nine grand jurors. —No indictment can be found without the concurrence of at least nine grand jurors. When so found, and not otherwise, the foreperson of the grand jury shall certify under his hand that such indictment is a true bill, by the following endorsement thereon, thus: "A true bill. A B, foreperson". ---------- (RSMo 1939 § 3926, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3537; 1919 § 3882; 1909 § 5090

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.260 - Indictment not a true bill, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.260. Indictment not a true bill, when. —When there is not a

concurrence of nine grand jurors in finding an indictment, the foreperson shall certify, under his hand, that such an indictment is not a true bill. ---------- (RSMo 1939 § 3927, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3538; 1919 § 3883; 1909 § 5091

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.270 - Indictments — presented to court — filed.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.270. Indictments — presented to court — filed. —Indictments found and presentments made by a grand jury shall be presented by their foreperson, in their presence, to the court, and shall be there filed and remain as records of such court. ---------- (RSMo 1939 § 3928, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3539; 1919 § 3884; 1909 § 5092

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.300 - Grand jurors required to testify, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.300. Grand jurors required to testify, when. —Members of the grand jury may be required by any court to testify whether the testimony of a witness examined before such jury is consistent with or different from the evidence given by such witness before such court. They may also be required to disclose the testimony given before them by any person, upon a complaint against such person for perjury, or upon his trial for such offense. ---------- (RSMo 1939 § 3922, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3533; 1919 § 3878; 1909 § 5086

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.310 - Cannot be compelled to disclose vote.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.310. Cannot be compelled to disclose vote. —No member of a grand jury shall be obliged or allowed to testify or declare in what manner he or any other member of the grand jury voted on any question before them, or what opinions were expressed by any juror in relation to any such question. ---------- (RSMo 1939 § 3923) Prior revisions: 1929 § 3534; 1919 § 3879; 1909 § 5087

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.320 - Grand juror not to disclose evidence — penalty.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.320. Grand juror not to disclose evidence — penalty. —No grand juror shall disclose any evidence given before the grand jury, nor the name of any witness who appeared before them, except when lawfully required to testify as a witness in relation thereto; nor shall he disclose the fact of any indictment having been found against any person for a felony, not in actual confinement, until the defendant shall have been arrested thereon. Any juror violating the provisions of this section shall be deemed guilty of a class A misdemeanor. ---------- (RSMo 1939 § 3924, A.L. 1989 S.B. 127, et al.) Prior revisions: 1929 § 3535; 1919 § 3880; 1909 § 5088 (1959) Proceedings before grand jury, other than matters within antidisclosure provisions of section 540.310, held admissible in evidence in quo warranto proceeding to oust prosecuting attorney. State ex inf. Dalton v. Moody (Mo.), 325 S.W.2d 21.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.330 - Charge to grand jury.

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.330. Charge to grand jury. —In charging grand juries, the court shall apprise them of the provisions of sections 540.300 to 540.320, in relation to disclosures, and in what cases and under what circumstances any disclosures may or may not be made. ---------- (RSMo 1939 § 3925) Prior revisions: 1929 § 3536; 1919 § 3881; 1909 § 5089

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 540 - Grand Juries and Their ProceedingsSection 540.331 - Lists of tangible personal property — authority of grand jury (first class counties).

Title XXXVII CRIMINAL PROCEDURE Chapter 540 540.331. Lists of tangible personal property — authority of grand jury (first class counties). —The circuit judge exercising criminal jurisdiction shall give the lists prepared in accordance with section 137.155 or 137.360, in charge of the grand jury, who shall have the authority to examine such list of property with a view of inquiring into the correctness of such list. No such list shall be altered, changed or amended after it is filed with the county clerk, except by order of the county commission. Any person who alters, changes or amends any such list without such order shall upon conviction be deemed guilty of a class A misdemeanor. Every county clerk or deputy county clerk who shall knowingly permit any such list to be altered, changed or amended without such order shall forfeit one hundred dollars, to be recovered by suit upon his official bond. ---------- (L. 1989 S.B. 127, et al. § 540.330)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.010 - Code applicable, when and where.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.010. Code applicable, when and where. —The provisions of this code applicable to circuit judges shall also be applicable to any other judges of the circuit court in all criminal cases when no other or

different provision is made by law for the government and control of such judges. ---------- (RSMo 1939 § 4158, A.L. 1978 H.B. 1634) Prior revisions: 1929 § 3768; 1919 § 4114; 1909 § 5319 Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.015 - Jurisdiction of associate circuit judges.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.015. Jurisdiction of associate circuit judges. —Associate circuit judges may hear and determine originally, with circuit judges, coextensive with their respective counties, all cases of misdemeanor and infractions as otherwise provided by law. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.020 - Jurisdiction of circuit courts.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.020. Jurisdiction of circuit courts. —Except as otherwise provided by law, the circuit courts shall have exclusive original jurisdiction in all cases of felony, misdemeanor and infractions. Except as otherwise provided by law, circuit judges may hear and determine originally all cases of felony, misdemeanor and infractions and may hear and determine upon a trial de novo cases of misdemeanor and infractions. ---------- (RSMo 1939 § 3891, A.L. 1978 H.B. 1634) Prior revisions: 1929 § 3501; 1919 § 3846; 1909 § 5054 Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.033 - Offenses, where prosecuted.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.033. Offenses, where prosecuted. —1. Persons accused of committing offenses against the laws of this state, except as may be otherwise provided by law, shall be prosecuted: (1) In the county in which the offense is committed; or (2) If the offense is committed partly in one county and partly in another, or if the elements of the crime occur in more than one county, then in any of the counties where any element of the offense occurred. 2. Persons accused of committing the offenses of identity theft against the laws of this state in sections 570.223, 570.224, and 575.120 shall be prosecuted: (1) In the county in which the offense is committed; (2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred; (3) In the county in which the victim resides; or (4) In the county in which the property obtained or attempted to be obtained was located. ---------- (L. 1965 p. 661 § 1, A.L. 2004 H.B. 959)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.035 - Failure to file reports required by law, where prosecuted.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.035. Failure to file reports required by law, where prosecuted. —Offenses for failure or refusal to comply with any law requiring a report to be filed or made in or to the state of Missouri, or any department or officer thereof, shall be held to be committed in the county of the residence of the person failing or refusing to file or make such report, except where the person shall reside without the state of Missouri, in which event the unlawful act is deemed to have been committed in the county wherein the report is required by law to be filed. ---------- (L. 1957 p. 388 § 1)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.040 - Property stolen in another state, prosecution here, jurisdiction.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.040. Property stolen in another state, prosecution here, jurisdiction. —Every person who shall steal, or obtain by robbery, the property of another from any other state or country, and shall bring the same into this state, may be convicted and punished for stealing or robbery in the same manner as if the property had been feloniously stolen or taken in this state, and in any such case the stealing or robbery may be charged to have been committed, and every such person may be prosecuted in any county into or through which such stolen property shall be brought. ---------- (RSMo 1939 § 4837, A.L. 1955 p. 515) Prior revisions: 1929 § 4444; 1919 § 3685; 1909 § 4896 (1957) Information charging that larceny occurred in the county into which the property was brought even though property was stolen in another state, held sufficient under this section. State v. Dobson (Mo.), 303 S.W.2d 650; cert. den. 355 U.S. 964, 78 S.Ct. 554.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.050 - Stealing — prior trial in other state a bar.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.050. Stealing — prior trial in other state a bar. —Every person prosecuted under section 541.040 may plead a former conviction or acquittal for the same offense in another state or country, and if such plea be admitted or established, it shall be a bar to any other or further proceedings against such person. ---------- (RSMo 1939 § 4838) Prior revisions: 1929 § 4445; 1919 § 3686; 1909 § 4897

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.060 - Receipt of stolen or embezzled property — trial, where held.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.060. Receipt of stolen or embezzled property — trial, where held.

—When any person shall be liable to prosecution as the receiver of any personal property that shall have been feloniously stolen, taken or embezzled, he may be indicated, tried and convicted in any county where he received or had such property, notwithstanding such theft or embezzlement was committed in another county. ---------- (RSMo 1939 § 3768) Prior revisions: 1929 § 3378; 1919 § 3723; 1909 § 4934

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.070 - Property stolen in one county taken to another, jurisdiction — wrongfully taken, defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.070. Property stolen in one county taken to another, jurisdiction — wrongfully taken, defined. —1. When property is stolen or wrongfully taken the offender may be prosecuted for any offense in connection with such property in the county from which the property was obtained or in any county into which the property is taken in the same manner as if such offense had been committed in that county. 2. As used in this section, the term"wrongfully taken"means obtained through any trick or deception or the commission of any crime involving stealing, forcibly stealing or depriving the rightful owner of the use of the property of another. This term shall include, but is not limited to, the crimes of robbery, burglary, stealing, tampering, property damage and failure to return leased or rented property. ---------- (RSMo 1939 § 3769, A.L. 1955 p. 514, A.L. 1993 S.B. 180) Prior revisions: 1929 § 3379; 1919 § 3724; 1909 § 4935

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.080 - Party wounded in one county and dying in another.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.080. Party wounded in one county and dying in another. —When any mortal wound shall be given, or any poison shall be administered, or any means shall be employed in one county by which any human being shall be killed, who shall die thereof in another county, an indictment for such offense may be found in either county, and the same proceedings shall be had thereon, in all respects, as if the offense had been commenced and consummated in the county in which such indictment shall be found. ---------- (RSMo 1939 § 3770) Prior revisions: 1929 § 3380; 1919 § 3725; 1909 § 4936

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.090 - Party wounded in this state and dying in another.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.090. Party wounded in this state and dying in another. —If any such wound or mortal injury shall be inflicted on any human being in this state, who shall die thereof in another state, an indictment may be found, and a trial and conviction thereon had, in the county in which the wound or mortal injury was given or inflicted, in all respects as if the death happened in such county. ---------- (RSMo 1939 § 3771) Prior revisions: 1929 § 3381; 1919 § 3726; 1909 § 4937

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.100 - Wounded in another state and dying in this.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.100. Wounded in another state and dying in this. —If any such wound or mortal injury shall have been inflicted in another state on any human being who shall die thereof within this state, an indictment may be found and a trial and conviction thereon had, in the county in which the death happened, in all respects as if the wound or injury had been inflicted in such county. ---------- (RSMo 1939 § 3772) Prior revisions: 1929 § 3382; 1919 § 3727; 1909 § 4938

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.110 - Accessory to felony, where indicted.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.110. Accessory to felony, where indicted. —An indictment against an accessory to any felony may be found in any county where the offense of such accessory shall have been committed, notwithstanding the principal offense may have been committed in another county; and the like proceedings shall be had therein, in all respects, as if the principal offense had been committed in the same county. ---------- (RSMo 1939 § 3773) Prior revisions: 1929 § 3383; 1919 § 3728; 1909 § 4939

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.120 - Prosecution in wrong county — duty of court.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.120. Prosecution in wrong county — duty of court. —When it appears at any time before verdict or judgment that the defendant is prosecuted in a county not having jurisdiction of the offense, the court may order that all the papers and proceedings be certified and transmitted to the proper court of the proper county, and recognize the defendant to appear before such court on the first day of the next term thereof, to await the action of the grand jury. The witnesses shall also be recognized to appear at such court, that the prosecution may be proceeded with as provided by law. ---------- (RSMo 1939 § 3774) Prior revisions: 1929 § 3384; 1919 § 3729; 1909 § 4940

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.130 - Jury discharged without prejudice, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.130. Jury discharged without prejudice, when. —When a jury has been impaneled in the case contemplated in section 541.120, such jury shall be discharged without prejudice to the prosecution. ---------- (RSMo 1939 § 3775) Prior revisions: 1929 § 3385; 1919 § 3730; 1909 § 4941

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.140 - Prisoner to be removed to proper county.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.140. Prisoner to be removed to proper county. —If the defendant be in actual custody or confinement, the body of the defendant shall be removed to the jail of the proper county, in like manner and with like effect, in all respects, as in cases of change of venue. ---------- (RSMo 1939 § 3776) Prior revisions: 1929 § 3386; 1919 § 3731; 1909 § 4942

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.150 - Change in venue law applicable.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.150. Change in venue law applicable. —The provisions of law relating to changes of venue shall, in all respects, as far as they may be applicable, govern in cases provided in sections 541.120 to 541.140; and the defendant, officers and witnesses shall be subject to the same duties and penalties as are enjoined and inflicted by law upon like persons, as in cases of change of venue. ---------- (RSMo 1939 § 3777) Prior revisions: 1929 § 3387; 1919 § 3732; 1909 § 4943

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.155 - Fraudulent use of a credit device, where prosecuted.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.155. Fraudulent use of a credit device, where prosecuted. —Any person charged with fraudulent use of a credit device, or any stealing offense in which another person's credit card number, check, or checking account number was fraudulently used for the purpose of obtaining property or services of another, shall be prosecuted: (1) In the county in which the offense is committed; or (2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred; or (3) In the county in which the defendant resides; or (4) In the county in which the victim resides; or (5) In the county in which the property obtained or attempted to be obtained was located. ---------- (L. 2002 S.B. 895)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.160 - Concurrent jurisdiction in certain territories (Missouri).

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.160. Concurrent jurisdiction in certain territories (Missouri). —Where the St. Francis River or the meanderings of said river border on or form the boundary line between any counties in the state of Arkansas and the state of Missouri, the state of Missouri shall have concurrent jurisdiction over any and all violations of the criminal laws of the state of Missouri, on and to the west meandering lines of the St. Francis River. ---------- (RSMo 1939 § 3778) Prior revisions: 1929 § 3388; 1919 § 3733 For comparable Arkansas statute, see § 43.1403 Arkansas Statutes 1947

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.170 - Concurrent jurisdiction in certain territories (Arkansas).

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.170. Concurrent jurisdiction in certain territories (Arkansas). —Wherever the St. Francis River or the meanderings of said river border on or form the boundary lines between any county in the state of Missouri and the state of Arkansas, the state of Arkansas shall have concurrent jurisdiction of all violations of the criminal laws of the state of Arkansas to the east boundary of the meandering lines of the St. Francis River. ---------- (RSMo 1939 § 3779) Prior revisions: 1929 § 3389; 1919 § 3734 For comparable Arkansas statute, see § 43.1403 Arkansas Statutes 1947

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.180 - Missouri and Arkansas to have concurrent jurisdiction.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.180. Missouri and Arkansas to have concurrent jurisdiction. —The state of Missouri and the state of Arkansas shall have concurrent jurisdiction over all violations of the criminal laws of said states embraced within the provisions of sections 541.160 and 541.170. ---------- (RSMo 1939 § 3780) Prior revisions: 1929 § 3390; 1919 § 3735 For comparable Arkansas statute, see § 43.1404 Arkansas Statutes 1947

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 541 - Jurisdiction in Criminal CasesSection 541.191 - State has jurisdiction over offenses if element of offense or result occurs in state — body of homicide victim found in state, presumption death occurred in state.

Title XXXVII CRIMINAL PROCEDURE Chapter 541 541.191. State has jurisdiction over offenses if element of offense or result occurs in state — body of homicide victim found in state, presumption death occurred in state. —1. This state has jurisdiction over an offense that a person commits by his own conduct or the conduct of another for which such person is legally accountable if: (1) Conduct constituting any element of the offense or a result of such conduct occurs within this state; or (2) The conduct outside this state constitutes an attempt or conspiracy to commit an offense within this state and an act in furtherance of the attempt or conspiracy occurs within this state; or (3) The conduct within this state constitutes an attempt, solicitation, conspiracy or facilitation to commit or establishes criminal accountability for the commission of an offense in another jurisdiction that is also an offense under the law of this state; or (4) The offense consists of an omission to perform a duty imposed by the law of this state regardless of the location of the defendant at the time of the offense; and (5) The offense is a violation of a statute of this state that prohibits conduct outside the state. 2. When the offense involves a homicide, either the death of the victim or the bodily impact causing death constitutes a result within the meaning of subdivision (1) of subsection 1 of this section. If the body of a homicide victim is found in this state it is presumed that the result occurred in this state. 3. This state includes the land and water and the air space above the land and water. ---------- (L. 1987 H.B. 341 § 1)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.010 - Magistrate defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.010. Magistrate defined. —The term"magistrate", as used in this chapter, shall mean those officers authorized by section 542.020, to issue process to preserve the peace, unless from the context of the law it appears that the term refers to magistrates created by Section 18 of Article V of the Constitution in effect on and prior to January 1, 1979, in which event the term shall mean an associate circuit judge or division of the circuit court presided over by an associate circuit judge. ---------- (1949 H.B. 2138 § 542.01, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.020 - Certain officers to preserve peace, issue process.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.020. Certain officers to preserve peace, issue process. —The following officers shall have power and jurisdiction to cause to be kept all laws made for the preservation of the public peace, to issue process for the apprehension of persons charged with criminal offenses, and hold them to bail; require persons to give security to keep the peace, and to execute the powers and duties herein conferred in relation thereto: The judges of the supreme court throughout the state; judges of the court of appeals and circuit judges within their respective districts and circuits; associate circuit judges within their respective counties; municipal judges within the limits of their respective municipalities; provided that nothing herein contained shall be so construed as to authorize municipal judges to exercise jurisdiction in prosecutions under the laws of this state, other than those instituted under sections 542.020 to 542.140 for surety to keep the peace. ---------- (RSMo 1939 § 3791, A.L. 1945 p. 839, A.L. 1947 V. I p. 261, A.L. 1978 H.B. 1634) Prior revisions: 1929 § 3401; 1919 § 3746; 1909 § 4954 Effective 1-02-79 CROSS REFERENCE: Warrants issued by an associate circuit judge need not be sealed, 544.030

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.030 - Warrant may issue, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.030. Warrant may issue, when. —Whenever complaint shall be made in writing, and upon oath, to any such associate circuit judge, that any person has threatened or is about to commit any offense against the person or property of another, specifying the offense and person complained against, it shall be the duty of the associate circuit judge to issue a warrant, under his hand, reciting the complaint, and commanding the officer to whom it is directed forthwith to apprehend the person so complained of, and bring him before such associate circuit judge. ---------- (RSMo 1939 § 3792) Prior revisions: 1929 § 3402; 1919 § 3747; 1909 § 4955

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.040 - Proceedings before associate circuit judge — jury — verdict — recognizance — costs.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.040. Proceedings before associate circuit judge — jury — verdict — recognizance — costs. —Upon such person being brought before such associate circuit judge, the associate circuit judge shall summon all witnesses which either party may require, and cause the matters charged in the complaint to be inquired into by a jury of six competent citizens. If the jury find that there is good reason to fear the commission of the offense charged, then they shall render a verdict of guilty against the defendant, and the associate circuit judge thereupon shall require the defendant to enter into a recognizance in such sum, not exceeding one thousand dollars, as he shall direct, with one or more sufficient sureties, conditioned that the defendant will keep the peace toward the people of the state, and particularly toward the complainant, for such time as shall be specified in said recognizance, which shall be not less than three months nor more than one year from the date thereof; and the defendant shall be liable for costs as in other cases of conviction. ---------- (RSMo 1939 § 3793, A. 1949 H.B. 2138) Prior revisions: 1929 § 3403; 1919 § 3748; 1909 § 4956 CROSS REFERENCE: Recognizance taken in open court to be entered on minutes, other recognizances, 544.050

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.050 - Recognizance — penalty for failure to give.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.050. Recognizance — penalty for failure to give. —If such recognizance be given, the party complained of shall be discharged; but if he fail or refuse to find surety it shall be the duty of the associate circuit judge to commit him to prison until he find the same, specifying in the warrant the cause of commitment and the sum in which security was required. ---------- (RSMo 1939 § 3794) Prior revisions: 1929 § 3404; 1919 § 3749; 1909 § 4957

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.060 - Parties committed, how discharged.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.060. Parties committed, how discharged. —Any person committed for not finding surety of the peace, as above provided, may be discharged by any associate circuit judge authorized to bind to the peace, within the county, upon giving such security as was originally required of such person; provided, that after thirty days' actual imprisonment, the defendant may be released upon his own recognizance, if unable to find security. ---------- (RSMo 1939 § 3795) Prior revisions: 1929 § 3405; 1919 § 3750; 1909 § 4958

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.070 - Recognizance, where deposited.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.070. Recognizance, where deposited. —Every recognizance to keep the peace, taken by any associate circuit judge pursuant to the foregoing provisions, or pursuant to any other statute, shall be transmitted by such associate circuit judge to the clerk of the proper court of the county, on or before the first day of the term of such court next to be holden after taking the same. ---------- (RSMo 1939 § 3796) Prior revisions: 1929 § 3406; 1919 § 3751; 1909 § 4959

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.080 - Recognizance, when broken.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.080. Recognizance, when broken. —No recognizance to keep the peace shall be deemed to be broken unless the principal in such recognizance be convicted of some offense amounting, in judgment of law, to a breach of such recognizance. ---------- (RSMo 1939 § 3798) Prior revisions: 1929 § 3408; 1919 § 3753; 1909 § 4961

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.090 - Recognizance to be prosecuted, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.090. Recognizance to be prosecuted, when. —Whenever evidence of such conviction shall be produced to the court in which the recognizance is filed or taken, it shall be the duty of the court to order such recognizance to be prosecuted, and the prosecuting attorney shall proceed thereon accordingly. ---------- (RSMo 1939 § 3799) Prior revisions: 1929 § 3409; 1919 § 3754; 1909 § 4962

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.100 - Offense stated in record is evidence of breach.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.100. Offense stated in record is evidence of breach. —In the action on such recognizance the offense stated in the record of conviction may be assigned as a breach, and such record shall be conclusive evidence of the matters therein stated. ---------- (RSMo 1939 § 3800) Prior revisions: 1929 § 3410; 1919 § 3755; 1909 § 4963

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.110 - Appeal granted, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.110. Appeal granted, when. —Any person convicted under the provisions of sections 542.020 to 542.140 may take an appeal from the judgment of the associate circuit judge to the court having jurisdiction of the appeal, if he shall, on the day of the rendition of the verdict, file an affidavit, stating that he verily believes himself aggrieved by the verdict and judgment, and shall also enter into a recognizance, to be approved by the associate circuit judge, in a sum not to exceed one thousand dollars, with sufficient sureties, conditioned that he will, during the pendency of the appeal, keep the peace toward the people of this state, and particularly toward the complainant, and that he will appear to answer the charges against him at the next term of court having jurisdiction thereof. ---------- (RSMo 1939 § 3801) Prior revisions: 1929 § 3411; 1919 § 3756; 1909 § 4964

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.120 - Recognizance forfeited on failure to prosecute appeal.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.120. Recognizance forfeited on failure to prosecute appeal. —When any person shall have taken an appeal, under the provisions of sections 542.020 to 542.140, and fails to appear, the court shall forfeit

his recognizance, and order it to be prosecuted, unless reasonable excuse for the default be shown. ---------- (RSMo 1939 § 3803) Prior revisions: 1929 § 3413; 1919 § 3758; 1909 § 4966

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.130 - Proceedings on appeal.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.130. Proceedings on appeal. —If the judgment of the associate circuit judge shall be affirmed, or if, upon a trial in the court to which the appeal is taken, the defendant shall be convicted, the court shall require a new recognizance in a sum not exceeding one thousand dollars, for such time as shall appear necessary, not exceeding one year, and render judgment against the defendant for all costs in the case. ---------- (RSMo 1939 § 3802) Prior revisions: 1929 § 3412; 1919 § 3757; 1909 § 4965

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.140 - Affray in presence of associate circuit judge.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.140. Affray in presence of associate circuit judge. —Every person who, in the presence of any associate circuit judge above specified, or of any court of record, shall make an affray, or threaten to kill or beat another, or to commit any offense against his person or property, and all persons who, in the presence of such court or associate circuit judge, shall contend with hot and angry words, may be ordered by such associate circuit judge or court, without any other proof or trial, to give such security as above specified, and in case of failure or refusal so to do, he may be committed in like manner as above specified. ---------- (RSMo 1939 § 3797) Prior revisions: 1929 § 3407; 1919 § 3752; 1909 § 4960

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.170 - What officers may require aid of persons to disperse rioters.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.170. What officers may require aid of persons to disperse rioters. —If the persons assembled, as indicated herein, shall fail to disperse without unnecessary delay, the following associate circuit judges shall each, in the order in which they are herein named, have power and authority to require the aid of a sufficient number of persons in arms or otherwise, and to proceed as they may deem expedient, and to repress and disperse such riotous assemblage and arrest offenders. That is to say, the duty of requiring the aid of such force and directing its employment shall devolve, in the first instance, on the mayor of the town or city in which such assemblage occurs, and if he be not present or be unable to act, then on the judge of any court of record, the sheriff, the marshal, or the coroner. In case of the absence of any of the officers mentioned in this section, the officers named after him herein shall have all the power and authority which such absentee would have had if present. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.190 - Special deputies and policemen to be residents of state.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.190. Special deputies and policemen to be residents of state. —No sheriff of a county, mayor of a city or other private person authorized by law to appoint special deputies, marshals or policemen in this state to preserve the public peace and quell public disturbances shall appoint as special deputies, marshals or policemen any person who is not a resident of this state and who has not been a resident of this state for at least three years prior to his appointment. ---------- (RSMo 1939 § 4622, A.L. 1955 p. 515) Prior revisions: 1929 § 4233; 1919 § 3480; 1909 § 4695 CROSS REFERENCE: Bona fide citizens only may be deputized, 57.117, 85.005

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.261 - Peace officer defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.261. Peace officer defined. —As used in sections 542.261 to 542.296 and section 542.301, the term"peace officer"means a police officer or*member of the highway patrol to the extent otherwise permitted by law to conduct searches, sheriff or deputy sheriff. ---------- (L. 1974 S.B. 366 § 1, A.L. 2004 S.B. 920, A.L. 2010 H.B. 1868) *Word "or" does not appear in original rolls.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.266 - Search warrant defined — who may issue.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.266. Search warrant defined — who may issue. —1. A search warrant is a written order of a court commanding the search of a person, place, or thing and the seizure, or photographing or copying, of property found thereon or therein. 2. A search warrant may be issued by an appellate judge or by any judge of a court having original jurisdiction of criminal offenses within the territorial jurisdiction where the person, place, or movable or immovable thing to be searched is located at the time of the making of the application. ---------- (L. 1974 S.B. 366 § 2) (1985) Circuit judge of St. Louis City had no authority to issue a search warrant for an automobile in Greene County and warrant thus issued was invalid despite the "good faith" of the officer conducting the search. State v. Berkwit (Mo.App.E.D.), 689 S.W.2d 763.

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.271 - Warrant may issue to search and seize, certain persons and items, or to copy, photograph or record.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.271. Warrant may issue to search and seize, certain persons and items, or to copy, photograph or record. —1. A warrant may be issued to search for and seize, or photograph, copy or record any of the following: (1) Property, article, material, or substance that constitutes evidence of the commission of a criminal offense; or (2) Property which has been stolen or acquired in any other manner declared an offense by chapters 569 and 570; or (3) Property owned by any person furnishing public communications services to the general public subject to the regulations of the public service commission if such person has failed to remove the property within a reasonable time after receipt of a written notice from a peace officer stating that such property is being used as an instrumentality in the commission of an offense; or (4) Property for which possession is an offense under the law of this state; or (5) Property for which seizure is authorized or directed by any statute of this state; or (6) Property which has been used by the owner or used with his acquiescence or consent as a raw material or as an instrument to manufacture or produce any thing for which possession is an offense under the laws of this state. 2. A warrant may be issued to search for and rescue a kidnapped person. 3. A warrant may be issued to search for any person for whom a valid felony arrest warrant is outstanding. 4. A warrant may be issued to search for and seize any deceased human fetus or corpse, or part thereof. 5. The provisions of sections 542.261 to 542.296 and section 542.301 shall prevail over any rules and regulations promulgated by any state governmental agency, commission or board, to the contrary notwithstanding. ---------- (L. 1974 S.B. 366 § 3, A.L. 1980 H.B. 1528 Revision, A.L. 1983 S.B. 24)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.276 - Who may apply for search warrant — contents of application, affidavit — where filed, hearing — contents of warrant — who may execute, return, when and how made — warrant deemed invalid, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.276. Who may apply for search warrant — contents of application, affidavit — where filed, hearing — contents of warrant — who may execute, return, when and how made — warrant deemed invalid, when. —1. Any peace officer or prosecuting attorney may make application under section 542.271 for the issuance of a search warrant. 2. The application shall: (1) Be in writing; (2) State the time and date of the making of the application; (3) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it; (4) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he or she is to search; (5) State facts sufficient to show probable cause for the issuance of a search warrant; (6) Be verified by the oath or affirmation of the applicant; (7) Be filed in the proper court; (8) Be signed by the prosecuting attorney of the county where the search is to take place, or his or her designated assistant. 3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the person, place, or thing to be searched or of the property, article, material, substance, or person to be seized. Oral testimony shall not be considered. The application may be submitted by facsimile or other electronic means. 4. The judge shall determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavit that there is probable cause to believe that property, article, material, substance, or person subject to seizure is on the person or at the place or in the thing described, a search warrant shall immediately be issued. The warrant shall be issued in the form of an original and two copies. 5. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the court from which the warrant was issued. 6. The search warrant shall: (1) Be in writing and in the name of the state of Missouri; (2) Be directed to any peace officer in the state; (3) State the time and date the warrant is issued; (4) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it; (5) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he or she is to search; (6) Command that the described person, place, or thing be searched and that any of the described property, article, material, substance, or person found thereon or therein be seized or photographed or copied and within ten days after filing of the application, any photographs or copies of the items may be filed with the issuing court; (7) Be signed by the judge, with his or her title of office indicated. 7. A search warrant issued under this section may be executed only by a peace officer. The warrant shall be executed by conducting the search and seizure commanded. The search warrant issued under this section may be issued by facsimile or other electronic means. 8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten days after the date of the making of the application. A search and any subsequent searches of the contents of any property, article, material, or substance seized and removed from the location of the execution of any search warrant during its execution may be conducted at any time during or after the execution of the warrant, subject to the continued existence of probable cause to search the property, article, material, or substance seized and removed. A search and any subsequent searches of the property, article, material, or substance seized and removed may be conducted after the time for delivering the warrant, return, and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered to the issuing judge upon final completion of any search which concludes after the expiration of time for delivering the original return and receipt. 9. After

execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, what was seized, and the name of the possessor and of the owner, when he or she is not the same person, if known. The return shall be accompanied by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the property was taken and to the applicant for the warrant. 10. A search warrant shall be deemed invalid: (1) If it was not issued by a judge; or (2) If it was issued without a written application having been filed and verified; or (3) If it was issued without probable cause; or (4) If it was not issued in the proper county; or (5) If it does not describe the person, place, or thing to be searched or the property, article, material, substance, or person to be seized with sufficient certainty; or (6) If it is not signed by the judge who issued it; or (7) If it was not executed within the time prescribed by subsection 8 of this section. 11. The application or execution of a search warrant shall not be deemed invalid for the sole reason that the application or execution of the warrant relies upon electronic signatures of the peace officer or prosecutor seeking the warrant or judge issuing the warrant. ---------- (L. 1974 S.B. 366 § 4, A.L. 1983 S.B. 24, A.L. 1989 S.B. 215 & 58, A.L. 2004 S.B. 1211, A.L. 2005 H.B. 353, A.L. 2008 S.B. 932, A.L. 2010 H.B. 1695, et al.)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.281 - Obscene matter, search warrant, procedure for obtaining — application for warrant, content — adversary hearing required, when — alteration of material after notice of hearing or execution of warrant prohibited.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.281. Obscene matter, search warrant, procedure for obtaining — application for warrant, content — adversary hearing required, when — alteration of material after notice of hearing or execution of warrant prohibited. —1. Any police officer, sheriff or deputy sheriff may make application for the issuance of a search warrant to search for and seize: (1) Obscene matter being held or displayed for sale, exhibition, distribution, or circulation to the public; (2) Matter that is pornographic for minors being held or displayed for sale, exhibition, distribution, or circulation to minors; (3) Property which has been used by the owner, or used with his consent, as a raw material or as an instrument to publish or produce such matter as described in subdivisions (1) and (2) of this subsection. 2. A warrant to search for and seize the matters and property described in subsection 1 of this section as evidence in a criminal proceeding pursuant to chapter 573 may be issued by a judge of the circuit court in the county or judicial district in which the alleged matter or property is located. Except as provided in this section, the issuance of a warrant to search for and seize obscene matter shall be governed by the provisions of section 542.276. Notwithstanding subsection 3 of section 542.276, oral testimony may be considered. 3. The application and the warrant, if issued, shall designate precisely by title, or otherwise, each item to be searched for and seized. 4. No warrant shall be issued to search for and seize any item unless the judge determines there is probable cause to believe that such item is obscene as defined in section 573.010 and is being displayed, sold, exhibited, distributed, or circulated to the public or is pornographic for minors as defined in section 573.010, and is being displayed, sold, exhibited, distributed or circulated to minors. 5. If the item to be seized is a book, magazine, paper, or pamphlet or an item that may be photographed, a copy or photograph of the allegedly obscene item may be annexed to the application. 6. If the item to be seized is a motion picture film or video cassette, written affidavits verified by oath or affirmation of law enforcement officers and city or county prosecutors may supplement the application. 7. An officer in making his application for a warrant may rely on past viewings of a motion picture film or video cassette that is the same as the motion picture film or video cassette to be seized if the film or video cassette to be seized can be identified as the same as or a copy of, the prior viewed film or video cassette by the title of the film or video cassette or the package or label on or surrounding the film or video cassette or some other manner. 8. If the purpose of applying for a warrant is to search for and seize obscene material for other than evidentiary purposes, the judge shall hold an adversary hearing to determine whether such matter is obscene before issuing a warrant. Not less than twenty-four hours before such hearing, written notice of the date, time, place and nature of the hearing, including a description of the matter sought, shall be personally served upon the dealer, exhibitor, displayer or his agent. No warrant shall be issued without the dealer, distributor, or displayer being given a reasonable opportunity to appear in opposition to the issuance. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or his agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be seized pursuant to this subsection is obscene. Except when the dealer, exhibitor, or displayer consents to a longer period, or by his actions or pleadings, willfully prevents the prompt resolution of the hearing, a decision shall be rendered no later than ten days from the date of the commencement of the hearing. After service of notice of the hearing, or subpoena, or the execution of a search warrant, intentional alteration, destruction, or removal of any matter, or duplicate of matter, described in the notice shall be punished as contempt of court. ---------- (L. 1974 S.B. 366 § 5, A.L. 1987 H.B. 113, et al.) Effective 7-15-87 (1998) Statute not constitutionally required to provide a one-copy limitation. B.A.P., Inc. v. McCulloch, 994 F.Supp. 1131 (E.D. Mo.). (1999) Section is not unconstitutional for vagueness in failing to distinguish between mass seizures and limited evidentiary seizures. B.A.P., Inc. v. McCulloch, 170 F.3d 804 (8th Cir.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.286 - Warrant to be executed within territorial jurisdiction, exception.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.286. Warrant to be executed within territorial jurisdiction, exception. —1. A warrant to search a person or any movable thing may be executed in any part of the state where the person or thing is found

if, subsequent to the filing of the application, the person or thing moves or is taken out of the territorial jurisdiction of the judge issuing the warrant. 2. All other search warrants shall be executed within the territorial jurisdiction of the court out of which the warrant issued and within the territorial jurisdiction of the officer executing the warrant. ---------- (L. 1974 S.B. 366 § 6)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.291 - Search, when conducted — receipt for property taken.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.291. Search, when conducted — receipt for property taken. —1. The search shall be conducted in a reasonable manner. The search may be made at night if making it during the daytime is not practicable. 2. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he would be justified in using if the warrant were valid. 3. The officer may summon as many persons as he deems necessary to assist him in executing the warrant. Such persons shall not be held liable as a result of the illegality of the search and seizure. 4. If any property is seized, the officer shall give to the person from whose possession it is taken, if he is present, a copy of the warrant and an itemized receipt of the property taken. If no person is present, the officer shall leave the copy and the receipt at the site of the search. 5. A copy of the itemized receipt of any property taken shall be delivered to the office of the prosecuting attorney in the county where the property was taken within two working days of the search. ---------- (L. 1974 S.B. 366 § 7, A.L. 1989 S.B. 215 & 58)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.296 - Motion to suppress, grounds for.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.296. Motion to suppress, grounds for. —1. A person aggrieved by an unlawful seizure made by an officer and against whom there is a pending criminal proceeding growing out of the subject matter of the seizure may file a motion to suppress the use in evidence of the property or matter seized. For the purposes of this section, a pending criminal proceeding shall mean any criminal investigation being conducted with the intention of using the seized subject matter in seeking an indictment or information or when an information has been issued or an indictment returned. 2. The motion to suppress shall be in writing. It shall be filed with the court in which there is pending against the moving party a criminal proceeding growing out of the subject matter of the seizure. 3. The motion shall be made before the commencement of the trial of the moving party on the charge arising out of the seizure unless he was unaware of the grounds or had no opportunity to do so before the trial. In that event the motion may be made during the trial. However, the trial judge may in his discretion entertain a motion any time during trial. 4. Notice shall be given to the prosecuting attorney of the date, time, place and nature of the hearing. 5. The motion to suppress may be based upon any one or more of the following grounds: (1) That the search and seizure were made without warrant and without lawful authority; (2) That the warrant was improper upon its face or was illegally issued, including the issuance of a warrant without proper showing of probable cause; (3) That the property seized was not that described in the warrant and that the officer was not otherwise lawfully privileged to seize the same; (4) That the warrant was illegally executed by the officer; (5) That in any other manner the search and seizure violated the rights of the movant under Section 15 of Article I of the Constitution of Missouri, or the fourth and fourteenth amendments of the Constitution of the United States. 6. The judge shall receive evidence on any issue of fact necessary to the decision of the motion. The burden of going forward with the evidence and the risk of nonpersuasion shall be upon the state to show by a preponderance of the evidence that the motion to suppress should be overruled. 7. If the motion is sustained, the judge shall order the property or matter delivered to the moving party, unless its retention is authorized or required by section 542.301, or by any other law of this state. ---------- (L. 1974 S.B. 366 § 8)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.300 - Prisoners may be searched.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.300. Prisoners may be searched. —Any associate circuit judge who shall commit any person charged with an offense to jail, or by whom any vagrant or disorderly person shall be committed, shall cause such person to be searched, for the purpose of discovering any money or property he may have, and if any be found, the same shall be taken into possession by the sheriff, and applied to the support of such person while in confinement, and to the payment of any costs which may be adjudged against him on account of the offense for which he is charged. ---------- (RSMo 1939 § 4163) Prior revisions: 1929 § 3773; 1919 § 4119; 1909 § 5324 CROSS REFERENCE: State highway patrol may take weapons from person arrested, 43.200

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.301 - Disposition of unclaimed seized property — forfeiture to the state, when — allegedly obscene matter, how treated — appeal authorized.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.301. Disposition of unclaimed seized property — forfeiture to the state, when — allegedly obscene matter, how treated — appeal authorized. —1. Property which comes into the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to any other provisions of law or returned to the claimant shall be disposed of as follows: (1) Stolen property, or property acquired in any other manner declared an offense by chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this subsection, shall be delivered by

order of court upon claim having been made and established, to the person who is entitled to possession: (a) The claim shall be made by written motion filed with the court with which a motion to suppress has been, or may be, filed. The claim shall be barred if not made within one year from the date of the seizure; (b) Upon the filing of such motion, the judge shall order notice to be given to all persons interested in the property, including other claimants and the person from whose possession the property was seized, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons whose address is unknown by publication in a newspaper of general circulation in the county. No property shall be delivered to any claimant unless all interested persons have been given a reasonable opportunity to appear and to be heard; (c) After a hearing, the judge shall order the property delivered to the person or persons entitled to possession, if any. The judge may direct that delivery of property required as evidence in a criminal proceeding shall be postponed until the need no longer exists; (d) A law enforcement officer having custody of seized property may, at any time that seized property has ceased to be useful as evidence, request that the prosecuting attorney of the county in which property was seized file a motion with the court of such county for the disposition of the seized property. If the prosecuting attorney does not file such motion within sixty days of the request by the law enforcement officer having custody of the seized property, then such officer may request that the attorney general file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. Such disposition may, if the property is not claimed within one year from the date of the seizure or if no one establishes a right to it, and the seized property has ceased to be useful as evidence, include a public sale of the property. Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less necessary expenses of preservation and sale, shall be paid into the county treasury for the use of the county. If the property is not salable, the judge may order its destruction. Notwithstanding any other provision of law, if no claim is filed within one year of the seizure and no motion pursuant to this section is filed within six months thereafter, and the seized property has ceased to be useful as evidence, the property shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543; (e) If the property is a living animal or is perishable, the judge may, at any time, order it sold at public sale. The proceeds shall be held in lieu of the property. A written description of the property sold shall be filed with the judge making the order of sale so that the claimant may identify the property. If the proceeds are not claimed within the time limited for the claim of the property, the proceeds shall be paid into the county treasury. If the property is not salable, the judge may order its destruction. (2) Weapons, tools, devices, computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, and substances other than motor vehicles, aircraft or watercraft, used by the owner or with the owner's consent as a means for committing felonies other than the offense of possessing burglary tools in violation of section 569.180, and property, the possession of which is an offense under the laws of this state or which has been used by the owner, or used with the owner's acquiescence or consent, as a raw material or as an instrument to manufacture, produce, or distribute, or be used as a means of storage of anything the possession of which is an offense under the laws of this state, or which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized by an officer incident to an arrest, shall be forfeited to the state of Missouri. 2. The officer who has custody of the property shall inform the prosecuting attorney of the fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a written motion with the court with which the motion to suppress has been, or may be, filed praying for an order directing the forfeiture of the property. If the prosecuting attorney of a county in which property is seized fails to file a motion with the court for the disposition of the seized property within sixty days of the request by a law enforcement officer, the officer having custody of the seized property may request the attorney general to file a written motion with the circuit court of the county or judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an order directing the disposition of the property. The signed motion shall be returned to the requesting agency. A motion may also be filed by any person claiming the right to possession of the property praying that the court declare the property not subject to forfeiture and order it delivered to the moving party. 3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the judge shall order notice to be given to all persons interested in the property, including the person out of whose possession the property was seized and any lienors, of the time, place and nature of the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated to reach the attention of all interested persons. Notice may be given to unknown persons and to persons of unknown address by publication in a newspaper of general circulation in the county. Every interested person shall be given a reasonable opportunity to appear and to be heard as to the nature of the person's claim to the property and upon the issue of whether or not it is subject to forfeiture. 4. If the evidence is clear and convincing that the property in issue is in fact of a kind subject to forfeiture under this subsection, the judge shall declare it forfeited and order its destruction or sale. The judge shall direct that the destruction or sale of property needed as evidence in a criminal proceeding shall be postponed until this need no longer exists. 5. If the forfeited property can be put to a lawful use, it may be ordered sold after any alterations which are necessary to adapt it to a lawful use have been made. In the case of computers, computer equipment, computer software, computer hardware, cellular telephones, or other devices capable of accessing the internet, or other devices used in the acquisition, possession, or distribution of child pornography or obscene material, the law enforcement agency in possession of such items may, upon court order, retain possession of such property and convert such property to the use of the law enforcement agency for use in criminal investigations. If there is a holder of a bona fide lien against property which has been used as a means for committing an offense or which has been used as a raw material or as an instrument to manufacture or produce anything which is an offense to possess, who establishes that the use was without the lienholder's acquiescence or consent, the proceeds, less necessary expenses of preservation and sale, shall be paid to the lienholder to the amount of the lienholder's lien. The remaining amount shall be paid into the county treasury. 6. If the

property is perishable the judge may order it sold at a public sale or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of preservation and sale, shall be held in lieu of the property. 7. When a warrant has been issued to search for and seize allegedly obscene matter for forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and convincing that the matter is obscene as defined by law and it was being held or displayed for sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene and forfeited to the state and order its destruction or other disposition; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without the judge having thoroughly examined each item. If the material to be seized is the same as or another copy of matter that has already been determined to be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's agent, the determination of obscenity in the criminal proceeding shall constitute clear and convincing evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the dealer, exhibitor or displayer consents to a longer period, or by such person's actions or pleadings willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days of the return of the warrant. If the matter is not found to be obscene or is not found to have been held or displayed for sale, exhibition or distribution to the public, or a judgment is not entered within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or displayer. 8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case should be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding. 9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter; except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture to the state. 10. When allegedly obscene matter or pornographic material for minors has been seized under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in which the matter was seized may file a written motion with the circuit court of the county or judicial district in which the seizure occurred praying for an order directing the forfeiture of the matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date, time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor, displayer or such person's agent. Such notice shall be served no less than five days before the hearing. 11. If the evidence is clear and convincing that the matter is obscene as defined by law, and that the obscene material was being held or displayed for sale, exhibition, distribution or circulation to the public or that the matter is pornographic for minors and that the pornographic material was being held or displayed for sale, exhibition, distribution or circulation to minors, the judge shall declare it to be obscene or pornographic for minors and forfeited to the state and order its destruction or other disposition. A determination that the matter is obscene in a criminal proceeding as well as a determination that such obscene material was held or displayed for sale, exhibition, distribution or circulation to the public or a determination that the matter is pornographic for minors in a criminal proceeding as well as a determination that such pornographic material was held or displayed for sale, exhibition, distribution or circulation to minors shall be clear and convincing evidence that such material should be forfeited to the state; except that, no forfeiture shall be declared without the dealer, distributor or displayer being given a reasonable opportunity to appear in opposition and without a judge having thoroughly examined each item. A dealer, distributor or displayer shall have had reasonable opportunity to appear in opposition if the matter the prosecutor seeks to destroy is the same matter that formed the basis of a criminal proceeding against the dealer, distributor or displayer where the dealer, distributor or displayer has been charged and found guilty of holding or displaying for sale, exhibiting, distributing or circulating obscene material to the public or pornographic material for minors to minors. If the matter is not found to be obscene, or if obscene material is not found to have been held or displayed for sale, exhibition, distribution or circulation to the public, or if the matter is not found to be pornographic for minors or if pornographic material is not found to have been held or displayed for sale, exhibition, distribution or circulation to minors, the matter shall be restored forthwith to the dealer, exhibitor or displayer. 12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the case shall be assigned for hearing at the earliest practicable date and expedited in every way. Destruction or disposition of matter declared forfeited shall be postponed until the judgment has become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter is no longer needed as evidence in a criminal proceeding. 13. A determination of obscenity shall not be admissible in any criminal proceeding against any person or corporation for sale or possession of obscene matter. 14. An appeal by any party shall be allowed from the judgment of the court as in other civil actions. 15. All other property still in the custody of an officer or of a court as the result of any seizure and which has not been forfeited pursuant to this section or any other provision of law after three years following the seizure and which has ceased to be useful as evidence shall be deemed abandoned, converted to cash and shall be turned over immediately to the treasurer pursuant to section 447.543. ---------- (L. 1974 S.B. 366 § 9, A.L. 1980 H.B. 1528 Revision, A.L. 1987 H.B. 113, et al., A.L. 1998 H.B. 931, A.L. 2002 S.B. 1248, A.L. 2012 S.B. 628, A.L. 2014 H.B. 1298 Revision)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.400 - Definitions.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.400. Definitions. —As used in sections 542.400 to 542.422, the following words and phrases mean: (1)"Aggrieved person", a person who was a party to any intercepted wire communication or a

person against whom the interception was directed; (2)"Communication common carrier", an individual or corporation undertaking to transport messages for compensation; (3)"Contents", when used with respect to any wire communication, includes any information concerning the identity of the parties, the substance, purport, or meaning of that communication; (4)"Court of competent jurisdiction", any circuit court having general criminal jurisdiction within the territorial jurisdiction where the communication is to be intercepted including any circuit judge specially assigned by the supreme court of Missouri pursuant to section 542.404; (5)"Electronic, mechanical, or other device", any device or apparatus which can be used to intercept a wire communication other than: (a) Any telephone or telegraph instrument, equipment or facility, or any component thereof, owned by the user or furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or being used by a communications common carrier in the ordinary course of its business or by an investigative office or law enforcement officer in the ordinary course of his duties; or (b) A hearing aid or similar device being used to correct subnormal hearing to not better than normal; (6)"Intercept", the aural acquisition of the contents of any wire communication through the use of any electronic or mechanical device, including but not limited to interception by one spouse of another spouse; (7)"Investigative officer"or"law enforcement officer or agency", any officer or agency of this state or a political subdivision of this state, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in sections 542.400 to 542.422, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses; (8)"Oral communication", any communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation; (9)"Person", any employee, or agent of this state or political subdivision of this state, and any individual, partnership, association, joint stock company, trust, or corporation; (10)"Prosecuting attorney", the elected prosecuting attorney of the county or the circuit attorney of any city not contained within a county; (11)"State", the*state of Missouri and political subdivisions of the state; (12)"Wire communication", any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception including the use of such connection in a switching station furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of local, state or interstate communications. ---------- (L. 1989 H.B. 277, et al. § 1, A.L. 2002 S.B. 712) *Word "the" does not appear in original rolls. (1993) Where city officials recorded conversation of inmate and police officers in public jail, officers could not justifiably have an expectation of privacy, and tape recording of conversation is not wire communication for purposes of Missouri's wiretapping law. Angel v. Williams, 12 F.3d 786 (8th Cir.). (1998) Communications between a cellular phone and a regular wire phone are wire communications within the purview of the wiretap law. Lee v. Lee, 967 S.W.2d 82 (Mo.App. W.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.402 - Penalty for illegal wiretapping, permitted activities.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.402. Penalty for illegal wiretapping, permitted activities. —1. Except as otherwise specifically provided in sections 542.400 to 542.422, a person is guilty of a class E felony and upon conviction shall be punished as provided by law, if such person: (1) Knowingly intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire communication; (2) Knowingly uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when such device transmits communications by radio or interferes with the transmission of such communication; provided, however, that nothing in sections 542.400 to 542.422 shall be construed to prohibit the use by law enforcement officers of body microphones and transmitters in undercover investigations for the acquisition of evidence and the protection of law enforcement officers and others working under their direction in such investigations; (3) Knowingly discloses, or endeavors to disclose, to any other person the contents of any wire communication, when he knows or has reason to know that the information was obtained through the interception of a wire communication in violation of this subsection; or (4) Knowingly uses, or endeavors to use, the contents of any wire communication, when he knows or has reason to know that the information was obtained through the interception of a wire communication in violation of this subsection. 2. It is not unlawful under the provisions of sections 542.400 to 542.422: (1) For an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication, however, communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks; (2) For a person acting under law to intercept a wire or oral communication, where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception; (3) For a person not acting under law to intercept a wire communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act. ---------- (L. 1989 H.B. 277, et al. § 2, A.L. 2002 S.B. 712, A.L. 2014 S.B. 491) Effective 1-01-17 (1998) Communications between a cellular phone and a regular wire phone are wire communications within the purview of the wiretap law. Lee v. Lee, 967 S.W.2d 82 (Mo.App. W.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.404 - Application for an order — authorization by attorney general — approval by judge, probable cause required.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.404. Application for an order — authorization by attorney general — approval by judge, probable cause required. —1. The elected prosecuting attorney of the county with the written authorization of the attorney general of the state of Missouri may make application for an order authorizing the interception of a wire communication. The supreme court of Missouri, upon notice that the attorney general of the state of Missouri has authorized application for an interception of a wire communication, shall appoint a circuit court from a circuit other than the circuit where the application originates to approve or deny the application and to issue any necessary orders. Such court may grant, in conformity with sections 542.400 to 542.422, an order authorizing the interception of wire communications by the law enforcement agency having responsibility for the investigation of the offense if there is probable cause to believe that the interception may provide evidence of a felony which involves the manufacture or distribution of a controlled substance, as the term is defined by section 195.016, or the felony of murder, arson, or kidnapping, or a terrorist threat as defined in section 574.115, or any conspiracy to commit any of the foregoing. 2. Any order entered pursuant to the provisions of sections 542.400 to 542.422 shall require live monitoring by appropriate law enforcement personnel of the interception of any wire communication. ---------- (L. 1989 H.B. 277, et al. § 3, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.406 - Disclosure of contents — privileged communications.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.406. Disclosure of contents — privileged communications. —1. Any investigative officer or law enforcement officer who, by any means authorized by sections 542.400 to 542.422, has lawfully obtained knowledge of the contents of any wire communication, or evidence derived therefrom, may disclose such contents to another investigative officer or law enforcement officer to the extent that such disclosure is necessary to the proper performance of the official duties of the officer making or receiving the disclosure for investigative purposes only. 2. Any investigative officer or law enforcement officer who, by any means authorized by sections 542.400 to 542.422, has lawfully obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may use such contents to the extent such use is necessary to the proper performance of his official duties. 3. Any person who has received, by any means authorized by sections 542.400 to 542.422, any information concerning a wire communication, or evidence derived therefrom, intercepted in accordance with the provisions of sections 542.400 to 542.422 shall disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding, including deposition in any court or in any grand jury proceeding, subject to the rules of evidence. 4. No otherwise privileged wire communication intercepted in accordance with, or in violation of, the provisions of sections 542.400 to 542.422 shall lose its privileged character and shall be suppressed upon motion. ---------- (L. 1989 H.B. 277, et al. § 4, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.408 - Application, contents — ex parte order issued, when, contents, extensions granted, when — reports, court may require, when — pen registers, who may request — communication, common carriers may provide aid, immunity from suit, compensation.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.408. Application, contents — ex parte order issued, when, contents, extensions granted, when — reports, court may require, when — pen registers, who may request — communication, common carriers may provide aid, immunity from suit, compensation. —1. Each application for an order authorizing or approving the interception of a wire communication shall be made in writing and shall be submitted to the attorney general for his review and approval. If the attorney general approves the application, he shall join such application, which shall be submitted upon oath or affirmation to a court of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information: (1) The identity of the prosecuting attorney making the application together with the identities of the law enforcement agency or agencies that are to conduct the interception; (2) A full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that an order should be issued, including: (a) Details as to the particular offense that has been, is being, or is about to be committed; (b) A particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted; (c) A particular description of the type of communications sought to be intercepted; and (d) The identity of the person and employment, if known, committing the offense and whose communications are to be intercepted; (e) That the application is sought solely for detection of the crimes enumerated in section 542.404; (3) A full and complete statement as to whether other investigative procedures have been tried and failed, or why they reasonably appear to be unlikely to succeed if tried, or to be too dangerous; (4) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for the interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter; (5) A full and complete statement of the facts concerning all previous applications known or available to the individual authorizing and making the application, made to any court for authorization to intercept, or for approval of interceptions of, wire communications involving any of the same persons, facilities or places specified in the application, and the action taken by the court on each such application; (6) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or an explanation of the failure to obtain such results; and (7) A statement that adequate resources are available to perform the interception and the estimated number of persons required to accomplish the interception. 2. The court may require the applicant to

furnish additional testimony or documentary evidence in support of the application. 3. Upon such application the court may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire communications within the territorial jurisdiction of the court, if the court determines on the basis of the facts submitted by the applicant that: (1) Probable cause exists to believe that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 542.404; (2) Probable cause exists to believe that particular communications concerning that offense will be obtained through such interception; (3) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous; and (4) Probable cause exists to believe that the facilities from which, or the place where, the wire communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person. 4. Each order authorizing or approving the interception of any wire communication shall specify: (1) The identity of the person and employment, if known, whose communications are to be intercepted; (2) The nature and location of the communication facilities as to which, or the place where, authority to intercept is granted including whether the interception involves a cellular or other wireless device; (3) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates; (4) The identity of the agency authorized to intercept the communications, and of the person authorizing the application; (5) The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained. 5. No order entered under this section may authorize or approve the interception of any wire communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection 1 of this section and the court making the findings required by subsection 3 of this section. The period of extension shall be no longer than the court deems necessary to achieve the purposes for which it was granted and in no event longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under sections 542.400 to 542.422, and shall terminate upon attainment of the authorized objective, or in any event in thirty days. 6. Whenever an order authorizing interception is entered pursuant to the provisions of sections 542.400 to 542.422, the order may require reports to be made to the court who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require, but in no case longer than thirty days. 7. Notwithstanding any other provisions of sections 542.400 to 542.422, any law enforcement officer with the approval of the prosecuting attorney may request an order of an appropriate court whenever reasonable grounds therefor exist to have a pen register placed in effect, which pen register will only determine the phone number to which the call is placed. 8. Notwithstanding any other provision of law to the contrary, communication common carriers, and their officers, employees and agents, may provide information, facilities or technical assistance to persons authorized by law to intercept wire communications, if the communication common carrier, its officers, employees or agents have been provided with a court order directing such assistance signed by the authorizing court. The court order shall set forth the period of time during which the provision of the information, facilities or technical assistance is authorized and specifying the information, facilities, or technical assistance required. No cause of action shall lie in any court against any communication common carrier, its officers, employees, and agents for providing information, facilities or assistance in accordance with the terms of an order under this subsection. Any communication common carrier furnishing such facilities or technical assistance shall be compensated therefor by the prosecuting attorney at the prevailing rates. ---------- (L. 1989 H.B. 277, et al. § 5, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.410 - Recording of contents, required, how, custody of, duplication, destruction of — applications and orders sealed by court, disclosure, when, destruction of — penalty — notice to persons named in order, when, right to inspect and copy contents.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.410. Recording of contents, required, how, custody of, duplication, destruction of — applications and orders sealed by court, disclosure, when, destruction of — penalty — notice to persons named in order, when, right to inspect and copy contents. —1. The contents of any wire communication intercepted by any means authorized by sections 542.400 to 542.422 shall be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication as required by this section shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the court issuing such order and shall be sealed under its directions. Custody of the recordings shall be wherever the court orders. The recordings shall not be destroyed except upon an order of the issuing court and in any event shall be kept for ten years. Duplicate recordings shall be made for use for disclosure pursuant to the provisions of subsections 1 and 2 of section 542.406 for investigations and discovery in accordance with applicable supreme court rules. The presence of the seal provided for by subsection 2 of this section, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire communication or evidence derived therefrom under the provisions of subsection 3 of section 542.406. 2. Applications made and orders granted under sections 542.400 to 542.422 shall be sealed by the court. Custody of the applications and orders shall be wherever the court directs. Such applications and orders shall be disclosed only upon a showing of good cause before a court of competent jurisdiction and shall not be destroyed except on order of the issuing or denying court, and in any event shall be kept for ten years. 3. Any violation of the provisions of this section shall be punishable as a class A misdemeanor. 4. Within

a reasonable time but not later than ninety days after the filing of an application for an order of approval under the provisions of sections 542.400 to 542.422 or the termination of the period of an order or extensions thereof, whichever is later, the issuing or denying court shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications an inventory which shall include notice of: (1) The fact of the entry of the order or the application; (2) The date of the entry and the period of authorized, approved interception; (3) The fact that during the period oral communications were or were not intercepted; and (4) The nature of said conversations.--The court, upon the filing of a motion, shall make available to such person or his counsel for inspection and copying such intercepted communications, applications and orders. --The court, upon the filing of a motion, shall make available to such person or his counsel for inspection and copying such intercepted communications, applications and orders. ---------- (L. 1989 H.B. 277, et al. § 6, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.412 - Contents may be used as evidence, when — disclosure of additional evidence to defendant.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.412. Contents may be used as evidence, when — disclosure of additional evidence to defendant. —1. The contents of any intercepted wire communications or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in federal or state court nor in any administrative proceeding unless each party, in compliance with supreme court rules relating to discovery in criminal cases, hearings and proceedings, has been furnished with a copy of the court order and accompanying application under which the interception was authorized or approved and a transcript of any intercepted wire communication or evidence derived therefrom. 2. If the defense in its request designates material or information not in the possession or control of the state, but which is, in fact, in the possession or control of other governmental personnel, the state shall use diligence and make good faith efforts to cause such materials to be made available to the defendant's counsel, and if the state's efforts are unsuccessful and such material or other governmental personnel are subject to the jurisdiction of the court, the court, upon request, shall issue suitable subpoenas or orders to cause such material or information to be made available to the state for disclosure to the defense. ---------- (L. 1989 H.B. 277, et al. § 7, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.414 - Suppression of contents, grounds — right of state to appeal suppression motion, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.414. Suppression of contents, grounds — right of state to appeal suppression motion, when. —1. Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, the state, or a political subdivision thereof, may move to suppress the contents of any intercepted wire communication, or evidence derived therefrom, on the grounds that: (1) The communication was unlawfully intercepted; (2) The order of authorization or approval under which it was intercepted is insufficient on its face; (3) The interception was not made in conformity with the order of authorization or approval; or (4) The communication was intercepted in violation of the provisions of the Constitution of the United States or the state of Missouri or in violation of a state statute.--Such motion shall be made before the trial, hearing, or proceeding unless there was no reasonable opportunity to make such motion or the person was not aware of the existence of grounds for the motion. If the motion is granted, the contents of the intercepted wire communication, or evidence derived therefrom or the contents of any communication intercepted as a result of any extension of the original order authorizing or approving the interception of wire communication, and any evidence derived therefrom, shall be treated as having been obtained in violation of sections 542.400 to 542.422. --Such motion shall be made before the trial, hearing, or proceeding unless there was no reasonable opportunity to make such motion or the person was not aware of the existence of grounds for the motion. If the motion is granted, the contents of the intercepted wire communication, or evidence derived therefrom or the contents of any communication intercepted as a result of any extension of the original order authorizing or approving the interception of wire communication, and any evidence derived therefrom, shall be treated as having been obtained in violation of sections 542.400 to 542.422. 2. In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion to suppress made under subsection 1 of this section if the prosecuting attorney shall certify to the court or other official granting such motion that the appeal be taken within thirty days after the date the order was entered and shall be diligently prosecuted. ---------- (L. 1989 H.B. 277, et al. § 8, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.416 - Reports to state courts administrator required, when, contents, who must report — state courts administrator to report to general assembly, when — rules and regulations.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.416. Reports to state courts administrator required, when, contents, who must report — state courts administrator to report to general assembly, when — rules and regulations. —1. Within thirty days after the expiration of an order or each extension thereof entered pursuant to the provisions of section 542.408, the issuing court shall report to the state courts administrator: (1) The fact that an order or extension was applied for; (2) The kind of order or extension applied for; (3) The fact that the order or extension was granted as applied for, was modified, or was denied; (4) The period of interceptions authorized by the order, and the number and duration of any extensions of the order; (5) The offense specified in the

order or application, or extension of an order; (6) The identity of the applying investigative officer or law enforcement officer and agency making the application and the person authorizing the application; and (7) The nature of the facilities from which or the place where communications were to be intercepted. 2. In January of each year, the principal prosecuting attorney for any political subdivision of the state shall report to the state courts administrator: (1) The information required by subdivisions (1) through (7) of subsection 1 of this section with respect to each application for an order or extension made during the preceding calendar year; (2) A general description of the interceptions made under such order or extension, including: (a) The approximate nature and frequency of incriminating communications intercepted; (b) The approximate nature and frequency of other communications intercepted; (c) The approximate number of persons whose communications were intercepted; and (d) The approximate nature, amount, and cost of the manpower and other resources used in the interceptions; (3) The number of arrests resulting from interceptions made under such order or extension, and the offenses for which arrests were made; (4) The number of trials resulting from such interceptions; (5) The number of motions to suppress made with respect to such interceptions, and the number granted or denied; (6) The number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions; and (7) The information required by subdivisions (2) through (6) of this subsection with respect to orders or extensions obtained in the preceding calendar year. 3. In April of each year the state courts administrator shall transmit to the Missouri general assembly a full and complete report concerning the number of applications for orders authorizing or approving the interception of wire communications and the number of orders and extensions granted or denied during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the state courts administrator by subsections 1 and 2 of this section. The state courts administrator may promulgate rules and regulations dealing with the content and form of the reports required to be filed by subsections 1 and 2 of this section. ---------- (L. 1989 H.B. 277, et al. § 9, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.418 - Use of contents of wiretap in civil action, limitations on — illegal wiretap, cause of action, damages, attorney fees and costs — good faith reliance on court order a prima facie defense.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.418. Use of contents of wiretap in civil action, limitations on — illegal wiretap, cause of action, damages, attorney fees and costs — good faith reliance on court order a prima facie defense. —1. The contents of any wire communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any civil or administrative proceeding, except in civil actions brought pursuant to this section. 2. Any person whose wire communication is intercepted, disclosed, or used in violation of sections 542.400 to 542.422 shall: (1) Have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications; and (2) Be entitled to recover from any such person: (a) Actual damages, but not less than liquidated damages computed at the rate of one hundred dollars a day for each day of violation or ten thousand dollars whichever is greater; (b) Punitive damages on a showing of a willful or intentional violation of sections 542.400 to 542.422; and (c) A reasonable attorney's fee and other litigation costs reasonably incurred. 3. A good faith reliance on a court order or on the provisions of section 542.408 shall constitute a prima facie defense to any civil or criminal action brought under sections 542.400 to 542.422. 4. Nothing contained in this section shall limit any cause of action available prior to August 28, 1989. ---------- (L. 1989 H.B. 277, et al. § 10, A.L. 2002 S.B. 712) (1998) Communications between a cellular phone and a regular wire phone are wire communications within the purview of the wiretap law. Lee v. Lee, 967 S.W.2d 82 (Mo.App. W.D.). (1999) Section applies only to exclude evidence obtained pursuant to an authorized wiretap. Phillips v. American Motorist Insurance Co., 996 S.W.2d 584 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.420 - Evidence obtained in violation of law may not be used.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.420. Evidence obtained in violation of law may not be used. —Whenever any wire communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a state, or a political subdivision thereof if the disclosure of that information would be in violation of sections 542.400 to 542.422. ---------- (L. 1989 H.B. 277, et al. § 11, A.L. 2002 S.B. 712) (1998) Communications between a cellular phone and a regular wire phone are wire communications within the purview of the wiretap law. Lee v. Lee, 967 S.W.2d 82 (Mo.App. W.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.422 - Injunctions of felony violations of sections 542.400 to 542.424, procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.422. Injunctions of felony violations of sections 542.400 to 542.424, procedure. —Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a felony violation of sections 542.400 to 542.422, the attorney general may initiate a civil action in a circuit court to enjoin such violation. The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the state or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the rules of civil procedure except that, if an indictment has been returned

against the respondent, discovery is governed by the rules of criminal procedure. ---------- (L. 1989 H.B. 277, et al. § 12, A.L. 2002 S.B. 712)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.425 - Criminal investigations, site of criminal conduct undetermined, attorney general may subpoena witnesses and documents.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.425. Criminal investigations, site of criminal conduct undetermined, attorney general may subpoena witnesses and documents. —In the course of a criminal investigation under chapter 566 or 573, when the venue of the alleged criminal conduct cannot be readily determined without further investigation, the attorney general may request the prosecuting attorney of Cole County to request a circuit or associate circuit judge of Cole County to issue a subpoena to any witness who may have information for the purpose of oral examination under oath or to require access to data or the production of books, papers, records, or other material of evidentiary nature at the office of the attorney general. If, upon review of the evidence produced pursuant to the subpoenas, it appears that a violation of chapter 566 or 573 may have been committed, the attorney general shall provide the evidence produced pursuant to subpoena to an appropriate county prosecuting attorney or circuit attorney having venue over the criminal offense. ---------- (L. 2009 H.B. 62, A.L. 2014 S.B. 491) Transferred 2014; formerly 566.013; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 542 - Proceedings to Preserve the Peace — Searches and SeizuresSection 542.525 - Surveillance or game cameras on private property, state and local government prohibited from placing without landowner consent.

Title XXXVII CRIMINAL PROCEDURE Chapter 542 542.525. Surveillance or game cameras on private property, state and local government prohibited from placing without landowner consent. —No employee of a state agency or a political subdivision of the state shall place any surveillance camera or game camera on private property without first obtaining consent from the landowner or the landowner's*designee; a search warrant as required by and under Article I, Section 15 of the Constitution of Missouri or the Fourth and Fourteenth Amendments of the Constitution of the United States; or permission from the highest ranking law enforcement chief or officer of the agency or political subdivision, provided that permission of the highest ranking law enforcement chief or officer of the agency or political subdivision is valid only when the camera is facing a location that is open to public access or use and the camera is located within one hundred feet of the intended surveillance location. ---------- (L. 2021 H.B. 369 merged with S.B. 26) *Words "his or her" appear in original rolls of H.B. 369, 2021.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 543 - Proceedings in Misdemeanor and Infraction CasesSection 543.200 - Either party may demand jury.

Title XXXVII CRIMINAL PROCEDURE Chapter 543 543.200. Either party may demand jury. —In misdemeanor cases, after the plea of the defendant has been entered, if he pleads not guilty, the defendant or prosecuting attorney may demand a jury; but if no jury is demanded, the case may be tried by the associate circuit judge. ---------- (RSMo 1939 § 3825, A.L. 1945 p. 750 § 20, A.L. 1978 H.B. 1634, A.L. 1993 S.B. 180) Prior revisions: 1929 § 3435; 1919 § 3780; 1909 § 4988 (1956) Appeal from conviction in city court is to be tried de novo in the same manner as if case originated in court of criminal correction. Thus defendant on request is entitled to jury trial. City of St. Louis v. Moore (A.), 288 S.W.2d 383.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 543 - Proceedings in Misdemeanor and Infraction CasesSection 543.210 - Jury — number — selection.

Title XXXVII CRIMINAL PROCEDURE Chapter 543 543.210. Jury — number — selection. —If the case is thereafter tried before an associate circuit judge, the jury shall be composed of twelve persons, unless a less number shall be agreed upon, but not less than six. The selection of the jury and the practice and procedure relative to the jury in a case tried before an associate circuit judge shall be the same as in a case tried before a circuit judge except as otherwise provided herein. ---------- (RSMo 1939 § 3826, A.L. 1945 p. 750 § 21, A.L. 1978 H.B. 1634) Prior revisions: 1929 § 3436; 1919 § 3781; 1909 § 4989 Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 543 - Proceedings in Misdemeanor and Infraction CasesSection 543.220 - Proceedings, how governed.

Title XXXVII CRIMINAL PROCEDURE Chapter 543 543.220. Proceedings, how governed. —1. All proceedings upon the trial of misdemeanors and infractions before associate circuit judges shall be governed by the practice in criminal cases before circuit judges, so far as the same may be applicable, and in respect to which no provision is made by statute. 2. All proceedings upon the trial of infractions before associate circuit judges shall be governed by the practice in criminal cases before circuit judges, so far as the same may be applicable, and in respect to which no provision is made by statute, except that there shall be no right to a jury trial. ---------- (RSMo 1939 § 3836, A.L. 1945 p. 750 § 29, A.L. 1978 H.B. 1634, A.L. 1993 S.B. 180) Prior revisions: 1929 § 3446; 1919 § 3791; 1909 § 4999

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 543 - Proceedings in Misdemeanor and Infraction CasesSection 543.270 - Fine payable in installments.

Title XXXVII CRIMINAL PROCEDURE Chapter 543 543.270. Fine payable in installments. —When a fine is assessed by a municipal judge, associate circuit judge, or circuit judge, it shall be within his or her discretion to provide for the payment of the fine on an installment basis under such terms and conditions as he or she may deem appropriate. In no event shall the recovery of costs incurred by a municipality or county for the detention, imprisonment, or holding of any person be the subject of any condition of probation, nor shall the failure to pay such costs be the sole basis for the issuance of a warrant. ---------- (L. 1978 H.B. 1634, A.L. 2019 H.B. 192)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 543 - Proceedings in Misdemeanor and Infraction CasesSection 543.335 - Appeal — records, how kept.

Title XXXVII CRIMINAL PROCEDURE Chapter 543 543.335. Appeal — records, how kept. —In any case tried with a jury before an associate circuit judge or on assignment under procedures applicable before circuit judges, or in any misdemeanor case or county ordinance violation case, a record shall be kept and any person aggrieved by a judgment rendered in any such case may have an appeal upon that record to the appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the supreme court, the record may be a stenographic record or one made by the utilization of electronic, magnetic, or mechanical sound or video recording devices. Whenever an appeal is taken in a case recorded by means other than a court reporter, the clerk of the court or division in control thereof shall forward the tape or record or whatever device used therefor to the clerk of the supreme court or to the clerk of the court of appeals wherein the appeal is lodged. The supreme court and the courts of appeals may arrange for the written transcript of the testimony so preserved pursuant to rules and procedures promulgated by the supreme court. ---------- (L. 1978 H.B. 1634, A.L. 1984 S.B. 602, A.L. 1997 S.B. 248)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.010 - Magistrate defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.010. Magistrate defined. —The term"magistrate", as used in this chapter, shall mean those officers authorized by section 542.020 to issue process to preserve the peace, unless from the context of the law it appears that the term refers to magistrates created by Section 18 of Article V of the Constitution in effect on and prior to January 1, 1979, in which event the term shall mean an associate circuit judge or a division of the circuit court presided over by an associate circuit judge. ---------- (1949 H.B. 2141 § 544.01, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.020 - Issuance of warrant upon complaint.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.020. Issuance of warrant upon complaint. —Whenever complaint shall be made, in writing and upon oath, to any associate circuit judge setting forth that a felony has been committed, and the name of the person accused thereof, it shall be the duty of such associate circuit judge to issue a warrant reciting the accusation, and commanding the officer to whom it shall be directed forthwith to take the accused and bring him before such associate circuit judge, to be dealt with according to law. The complaint may be made and the warrant may be issued via facsimile or other electronic means. ---------- (RSMo 1939 § 3857, A. 1949 H.B. 2141, A.L. 2004 S.B. 1211) Prior revisions: 1929 § 3467; 1919 § 3812; 1909 § 5020 (1955) After individual had been arrested on complaint filed in magistrate court on murder charge, probate court had no jurisdiction of proceeding to have him committed as indigent insane person. State ex rel. Lamar v. Impey, 365 Mo. 437, 283 S.W.2d 480.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.030 - Issuance of warrants by associate circuit judge.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.030. Issuance of warrants by associate circuit judge. —Warrants authorized by law to be issued in criminal cases may be under the hand of the associate circuit judge issuing the same, and shall be as valid and effectual, in all respects, as if sealed. ---------- (RSMo 1939 § 4179) Prior revisions: 1929 § 3789; 1919 § 4135; 1909 § 5340

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.040 - Bail, associate circuit judge may grant, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.040. Bail, associate circuit judge may grant, when. —If the offense charged is a bailable one, the associate circuit judge who issued the warrant may, at the request of the person arrested, release him as provided in section 544.455 for his appearance at the next term of the court having jurisdiction of the offense. ---------- (RSMo 1939 § 3858, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3468; 1919 § 3813; 1909 § 5021 (1959) Where defendant was arrested in 1956 on his release from state penitentiary on a 1953 warrant charging him with forgery and after his release gave a bond on the postponement of his preliminary hearing, the offense was barred by limitations since an information or indictment was not filed in three years, and the bond consequently was invalid. State v. Haverstick (Mo.), 326 S.W.2d 92.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.045 - License to operate motor vehicle may be deposited in lieu of bail — exceptions — failure to appear,

notice to director of revenue.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.045. License to operate motor vehicle may be deposited in lieu of bail — exceptions — failure to appear, notice to director of revenue. —1. Any person arrested and charged with violating a traffic law of this state or a traffic ordinance of any county, city, town or village may, at the discretion of both the officer authorized by law or rule of court to accept bail and the person arrested, deposit his license to operate a motor vehicle with a member of the highway patrol or with the officer demanding bail in lieu of any other security for his appearance in court to answer any such charge, except when the charge is for driving while intoxicated, driving while under the influence of intoxicating liquor or drugs, leaving the scene of a motor vehicle accident, driving when his license is suspended or revoked, or for any charge made because of a motor vehicle accident in which a death has occurred. 2. Notwithstanding the fact that the officer authorized by law or rule of court to accept bail authorizes the person arrested to deposit his license to operate a motor vehicle as his security for his appearance in court, in lieu of depositing his license to operate a motor vehicle, the person arrested may decline to deposit his license to operate a motor vehicle as security and instead deposit a bond with the officer authorized by law or rule of court to accept bail or other such officer demanding bail in the amount of fifty dollars per traffic offense allegedly committed. The officer shall issue a receipt for such a bond to the person and deposit the bond with the judge, court clerk or other officer requiring security for a court appearance. 3. The judge, court clerk or other officer requiring security for an appearance shall accept the bond or deposit of the license in lieu of bail and, if the license is accepted, shall issue a receipt to the licensee for the license upon a form approved by the director of revenue. The licensee may, until he has appeared at the proper time and place as stated in the receipt to answer the charge placed against him, operate motor vehicles while in possession of the receipt, and the receipt shall be accepted in lieu of the license as provided by section 302.181. If a continuance is requested and granted, the licensee shall be given a new receipt for his license. 4. Whether or not a license to operate a motor vehicle has been deposited in lieu of bail pursuant to this section, if the driver fails to appear at the proper time to answer the charge placed against him, the clerk of the court, or the judge of the court if there is no clerk, shall within ten days notify the director of revenue of the failure to appear, and the director shall thereafter withhold any renewal of the license or the issuance of a duplicate license to the licensee until notified by the court that the charge has been reduced to final judgment. ---------- (L. 1967 p. 667 § 1, A.L. 1985 H.B. 501, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 1991 S.B. 125 & 341) Effective 7-01-92

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.046 - Compact — entered into.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.046. Compact — entered into. —The Nonresident Violator Compact, hereinafter called "the compact," is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows: Article I (a) The party jurisdictions find that: (1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction: (i) Must post collateral or bond to secure appearance for trial at a later date; or (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or (iii) Is taken directly to court for his trial to be held. (2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation. (3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to his home jurisdiction and disregard his duty under the terms of the traffic citation. (4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to immediately continue on his way after promising or being instructed to comply with the terms of the citation. (5) The practice described in paragraph (1) above causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made. (6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above, is viewed with disfavor. (7) The practices described herein consume an undue amount of law enforcement time. (b) It is the policy of the party jurisdictions to: (1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions. (2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued. (3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction. (4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations. (c) The purpose of this compact is to: (1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner. (2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction. Article II (a) In the Nonresident Violator Compact, the following words have the meaning indicated, unless the context requires otherwise. (b) (1)"Citation"means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond. (2)"Collateral"means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation. (3)"Court"means a court of law or traffic tribunal. (4)"Driver's license"means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction. (5)"Home jurisdiction"means the jurisdiction that issued the driver's license of the traffic violator. (6)"Issuing jurisdiction"means the jurisdiction in which the traffic citation was issued to the motorist. (7)"Jurisdiction"means a state, territory, or possession of the

United States, the District of Columbia, or the Commonwealth of Puerto Rico. (8)"Motorist"means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction. (9)"Personal recognizance"means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation. (10)"Police officer"means any individual authorized by the party jurisdiction to issue a citation for a traffic violation. (11)"Terms of the citation"means those options expressly stated upon the citation. Article III (a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed, personal recognizance that he or she will comply with the terms of the citation. (b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation. (c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and shall contain information as specified in the Compact Manual as minimum requirements for effective processing by the home jurisdiction. (d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual. (e) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted. (f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued unless the motorist was operating a Commercial Motor Vehicle (CMV) or was a Commercial Driver License (CDL) holder at the time of the offense. (g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected. Article IV (a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded. (b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual. Article V Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction. Article VI (a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a Board of Compact Administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board. (b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented. (c) The board shall elect annually, from its membership, a chairman and a vice chairman. (d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws. (e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize, and dispose of the same. (f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution. (g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. --All procedures and forms adopted pursuant to board action shall be contained in the Compact Manual. Article VII (a) This compact shall become effective when it has been adopted by at least two jurisdictions. (b) (1) Entry into the compact shall be made by a Resolution of Ratification executed by the authorized officials of the applying jurisdiction and submitted to the chairman of the board. (2) The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows: (i) A citation of the authority by which the jurisdiction is empowered to become a party to this compact. (ii) Agreement to comply with the terms and provisions of the compact. (iii) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact. (3) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than 60 days after notice has been given by the chairman of the Board of Compact Administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received. (c) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions. Article VIII The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials. Article IX (a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and

may be initiated by one or more party jurisdictions. (b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement. (c) Failure of a party jurisdiction to respond to the compact chairman within 120 days after receipt of the proposed amendment shall constitute endorsement. Article X This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters. Article XI This compact shall be known as the Nonresident Violator Compact. ---------- (L. 1980 H.B. 980 § 1, A.L. 2012 H.B. 1402) (1991) Missouri nonresident violator compact does not infringe upon the rights of the national government in violation of art. 1, sec. 10, U.S.C.A. State v. Kurt, 802 S.W.2d 954 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.050 - Recognizances.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.050. Recognizances. —All recognizances required or authorized to be taken in any criminal proceedings in open court, by any court of record, shall be entered on the minutes of such court and the substance thereof shall be read to the person recognized. All other recognizances in any criminal matter or proceeding, or in any proceeding of a similar nature, shall be in writing and shall be subscribed by the parties to be bound thereby. ---------- (RSMo 1939 § 4180) Prior revisions: 1929 § 3790; 1919 § 4136; 1909 § 5341

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.060 - Issuance of warrants by clerk upon indictments.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.060. Issuance of warrants by clerk upon indictments. —When an indictment is found, the court may direct the clerk to issue a warrant returnable forthwith; and if no order is made he must issue warrants upon all indictments as soon as practicable after the close of the term, unless otherwise ordered by the judge or prosecuting attorney; provided, that no warrants shall be issued for persons who may be in custody at the time of the finding of such indictment, and in cases where two or more indictments are found against one person, but one warrant shall be issued, which shall enumerate the several offenses charged in the indictments. At the time of issuing a warrant, the clerk shall issue subpoenas for the witnesses on behalf of the state, but such subpoenas shall not be served until the defendant is arrested or in custody. ---------- (RSMo 1939 § 3956) Prior revisions: 1929 § 3567; 1919 § 3910; 1909 § 5117

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.070 - Issuance of process.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.070. Issuance of process. —A warrant or other process for the arrest of the defendant indicted may be issued by the court in which such indictment shall have been found or may be pending, or by the judge or clerk thereof, or by any judge of the supreme court, and by no other officers, and may be directed to and executed in any county in this state. ---------- (RSMo 1939 § 3955) Prior revisions: 1929 § 3566; 1919 § 3909; 1909 § 5116

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.080 - Issuance of warrant to sheriff — execution.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.080. Issuance of warrant to sheriff — execution. —The warrant shall issue to the sheriff of the county where the indictment or information is filed, unless the prosecuting attorney directs it to be issued to some other county; warrants may be issued to different counties at the same time. The sheriff must execute the warrant and subpoenas immediately after receiving them. ---------- (RSMo 1939 § 3957) Prior revisions: 1929 § 3568; 1919 § 3911; 1909 § 5118

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.090 - Warrants, where executed.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.090. Warrants, where executed. —Warrants issued by those persons vested by Section 1 of Article V of the Constitution of Missouri with the judicial power of the state may be executed in any part of this state. ---------- (RSMo 1939 § 3859, A.L. 1978 H.B. 1634, A.L. 1993 S.B. 180) Prior revisions: 1929 § 3469; 1919 § 3814; 1909 § 5022

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.100 - Arrest in another county — procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.100. Arrest in another county — procedure. —If the person against whom any warrant granted by an associate circuit judge, mayor or chief officer of a city or town shall be issued, escape or be in any other county, it shall be the duty of any associate circuit judge authorized to issue a warrant in the county in which such offender may be or is suspected to be, on proof of the handwriting of the associate circuit judge issuing the warrant to endorse his name

thereon, and thereupon the offender may be arrested in such county by the officer bringing such warrant, or any officer within the county within which the warrant is so endorsed; and any such warrant may be executed in any county within this state by the officer to whom it is directed, if the clerk of the county commission of the county in which the warrant was issued shall endorse upon or annex to the warrant his certificate, with the seal of said commission affixed thereto, that the officer who issued such warrant was at the time an acting officer fully authorized to issue the same, and that his signature thereto is genuine. ---------- (RSMo 1939 § 3860, A. 1949 H.B. 2141) Prior revisions: 1929 § 3470; 1919 § 3815; 1909 § 5023

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.110 - Escape to another county when guilty of felony.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.110. Escape to another county when guilty of felony. —When any person who shall have committed a felony in one county shall escape into another, any associate circuit judge within the county in which such offender may be found may, upon complaint in writing and upon oath being made before him charging such person with such offense, issue his warrant for the apprehension of such offender, and the officer making the arrest shall convey the prisoner to the county in which the offense is charged to have been committed, as prescribed in section 544.260. ---------- (RSMo 1939 § 3861) Prior revisions: 1929 § 3471; 1919 § 3816; 1909 § 5024

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.120 - Attempted escape of felon, officers to pursue — arrest.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.120. Attempted escape of felon, officers to pursue — arrest. —Whenever any felony shall be committed, and the offender attempt to escape, public notice thereof shall be immediately given, at all places near where the same was committed, and pursuit shall be forthwith made after the offender by sheriffs, coroners and constables, and all others who shall be thereto required by any such officers; and the offender may be arrested by any such officer or his assistants without warrant. ---------- (RSMo 1939 § 3882) Prior revisions: 1929 § 3492; 1919 § 3837; 1909 § 5045

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.130 - Attempted escape, proceeding after arrest.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.130. Attempted escape, proceeding after arrest. —When any person shall be so pursued and arrested, he shall be immediately taken before some associate circuit judge authorized to act under the provisions of this chapter, who shall proceed thereon in the same manner as if the prisoner had been arrested on a warrant. ---------- (RSMo 1939 § 3883) Prior revisions: 1929 § 3493; 1919 § 3838; 1909 § 5046

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.145 - Governor may offer reward for escaped felon — payment.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.145. Governor may offer reward for escaped felon — payment. —The governor may offer a reward of not to exceed three hundred dollars for the apprehension and delivery to the proper sheriff or other officer designated by him, of any person charged with or convicted of a felony and who has broken prison, escaped or fled from justice and absconded or secreted himself. The proper sheriff on delivery of the fugitive shall give his receipt therefor and the governor, upon presentation of the receipt, shall certify the amount of the reward to the commissioner of administration for payment out of the state treasury. ---------- (L. 1957 p. 378 § 544.155)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.150 - Reward by county commission.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.150. Reward by county commission. —Whenever the county commission of any county in this state, or any two commissioners thereof in vacation, shall be satisfied that any felony has been committed in said county, such commission or commissioners may, at their discretion, offer a standing reward of not exceeding five hundred dollars for the apprehension and arrest of the person or persons committing the same, which reward shall be paid out of the county treasury; but in no instance shall any reward, or any part thereof, be paid to any person who may be entitled thereto until final conviction of the defendant. ---------- (RSMo 1939 § 3890) Prior revisions: 1929 § 3500; 1919 § 3845; 1909 § 5053

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.155 - Uniform fresh pursuit law.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.155. Uniform fresh pursuit law. —1. Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest such person on the ground that such person is believed to have committed a felony or the crime of driving while intoxicated or driving with excessive blood alcohol content in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county, or municipal peace unit of this state, to arrest and hold in custody a person on the ground that such person is believed to have committed a felony or the crime of driving while intoxicated or driving with excessive blood alcohol content in this state; provided,

the rights extended by this subsection shall be extended only to those states granting these same rights to peace officers of this state who may be in fresh pursuit of suspected criminals in such reciprocating states. 2. If an arrest is made in this state by an officer of another state in accordance with the provisions of subsection 1 of this section, the arresting officer shall, without unnecessary delay, take the person arrested before a judge of a court of competent jurisdiction in the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, the judge shall order the person arrested to await, for a reasonable time, the issuance of an extradition warrant by the governor of this state, or admit such person to bail for such purpose. If the judge determines that the arrest was unlawful the judge shall discharge the person arrested. 3. Subsection 1 of this section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful. 4. For the purpose of this section, the word"state"includes the District of Columbia. 5. The term"fresh pursuit", as used in this section, includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or the crime of driving while intoxicated or driving with excessive blood alcohol content or who is reasonably suspected of having committed a felony or the crime of driving while intoxicated or driving with excessive blood alcohol content. It shall also include the pursuit of a person suspected of having committed a supposed felony or the crime of driving while intoxicated or driving with excessive blood alcohol content, though no felony or the crime of driving while intoxicated or driving with excessive blood alcohol content has actually been committed, if there is reasonable ground for believing that a felony or the crime of driving while intoxicated or driving with excessive blood alcohol content has been committed. Fresh pursuit, as used therein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay. 6. This section may be cited as the "Uniform Law on Fresh Pursuit". ---------- (L. 1951 p. 456 §§ 1 to 6, A.L. 1996 S.B. 850)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.157 - Law enforcement officers, conservation agents, capitol police, college or university police officers, and park rangers, arrest powers — fresh pursuit defined — policy of agency electing to institute vehicular pursuits.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.157. Law enforcement officers, conservation agents, capitol police, college or university police officers, and park rangers, arrest powers — fresh pursuit defined — policy of agency electing to institute vehicular pursuits. —1. Any law enforcement officer certified pursuant to chapter 590 of any political subdivision of this state, any authorized agent of the department of conservation, any commissioned member of the Missouri capitol police, any college or university police officer, and any commissioned member of the Missouri state park rangers in fresh pursuit of a person who is reasonably believed by such officer to have committed a felony in this state or who has committed, or attempted to commit, in the presence of such officer or agent, any criminal offense or violation of a municipal or county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace officer's, conservation agent's, capitol police officer's, college or university police officer's, or state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside of such officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the municipality or county in which the offense occurred. 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense; if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court with original criminal jurisdiction in the county wherein such arrest was made or before a municipal judge thereof having original jurisdiction to try such offense, who may release the person as provided in section 544.455, conditioned upon such person's appearance before the court having jurisdiction to try the offense. The person so arrested need not be taken before a judge as herein set out if given a summons by the arresting officer. 3. The term"fresh pursuit", as used in this section, shall include hot or fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or is reasonably suspected of having committed a felony in this state, or who has committed or attempted to commit in this state a criminal offense or violation of municipal or county ordinance in the presence of the arresting officer referred to in subsection 1 of this section or for whom such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used herein shall imply instant pursuit. 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum standards: (1) There shall be supervisory control of the pursuit; (2) There shall be procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit; (3) There shall be procedures for coordinating operation with other jurisdictions; and (4) There shall be guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated. ---------- (L. 1965 p. 662 §§ 1 to 6, A.L. 1972 H.B. 1160, A.L. 1993 S.B. 180, A.L. 1995 H.B. 421, A.L. 1997 H.B. 69 & 179 & H.B. 669, A.L. 2010 H.B. 1868, A.L. 2013 H.B. 103 merged with H.B. 307 merged with S.B. 282)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.160 - Escaped prisoner may be retaken after term expires.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.160. Escaped prisoner may be retaken after term expires. —If any person sentenced to imprisonment in a county jail or in the penitentiary on a conviction for a criminal offense shall escape, he may

be pursued, retaken and imprisoned again, notwithstanding the term for which he was sentenced to be imprisoned may have expired at the time he is retaken, and remain so imprisoned until tried for such escape, or until he be discharged by a failure to prosecute therefor. ---------- (RSMo 1939 § 4318) Prior revisions: 1929 § 3924; 1919 § 3172; 1909 § 4390

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.170 - Twenty hours detention on arrest without warrant — twenty-four hours detention for certain offenses, rights of confinee — violations, penalty.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.170. Twenty hours detention on arrest without warrant — twenty-four hours detention for certain offenses, rights of confinee — violations, penalty. —1. All persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty-four hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense. 2. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf. 3. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor. ---------- (RSMo 1939 § 4346, A.L. 2001 H.B. 80, A.L. 2005 H.B. 353) Prior revisions: 1929 § 3952; 1919 § 3200; 1909 § 4418 CROSS REFERENCES: Concealment of prisoners to avoid service of habeas corpus writ, penalty, 532.650 Custodian to furnish prisoners copy of process within six hours after demand, penalty for failure, 532.630 Police in city of St. Louis may refuse access to prisoners by shysters or attorneys soliciting business, 84.230 Rearrest of person discharged on habeas corpus, penalty, 532.660 (1961) The fact that a peace officer violates a statute by holding a person in excess of the time provided by law without charging him with a criminal offense does not, as a matter of law, render the prisoner's confession involuntary. State v. Bridges (Mo.), 349 S.W.2d 214. (1963) Failure to release a prisoner in the time prescribed by this section without having him charged with a criminal offense does not, as a matter of law, render the prisoner's confession involuntary, but such facts together with long period of interrogation were evidence of mental duress and coercion necessitating inclusion in instruction governing voluntariness of defendant's confessions the submission of issue of mental coercion. State v. Williams (Mo.), 369 S.W.2d 408. (1966) A prisoner's confession is not rendered involuntary as a matter of law by the fact that a peace officer violates a statute by holding a person in excess of the time provided by law without charging him with a criminal offense. State v. Paghe (Mo.), 403 S.W.2d 635. (1972) Detention beyond statutory limit, standing alone, is not sufficient to make an otherwise voluntary statement involuntary. Roberts v. State (Mo.), 476 S.W.2d 490. (1976) Held that confinement for more than twenty hours is not a wrongful confinement in a constitutional sense and violation of the statute would not be grounds for suppressing a confession. United States v. Rose (C.A. Mo.), 541 F.2d 750. (1996) Statute is not intended to be an investigative tool for police, but sets a limit on the time a suspect may be detained, whose arrest was otherwise lawful, while determining whether there is sufficient evidence of a crime to take to a judge or prosecutor. "Therefore, any interpretation of section 544.170 which includes authority for making investigative arrests would clearly be unconstitutional." U.S. v. Roberts, 928 F.Supp. 910 (W.D. Mo.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.180 - Arrest.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.180. Arrest. —An arrest is made by an actual restraint of the person of the defendant, or by his submission to the custody of the officer, under authority of a warrant or otherwise. The officer must inform the defendant by what authority he acts, and must also show the warrant if required. ---------- (RSMo 1939 § 3959) Prior revisions: 1929 § 3570; 1919 § 3913; 1909 § 5120 CROSS REFERENCE: Detention of one as shoplifter not false arrest, 537.125 (1954) Under Missouri law a private person may make an arrest on showing of actual commission of a felony and reasonable grounds to suspect the accused. Richardson v. U.S., 217 F.2d 696. (1960) Officer has a right to rely upon the presumption of the constitutionality of statute or city ordinance notwithstanding such ordinance or statute is subsequently declared to be void. Accordingly, the validity of the ordinance under which arrest was made would not be decided by the court in action for false imprisonment. Manson v. Wabash Railroad Co. (Mo.), 338 S.W.2d 54. (1973) A private citizen may make an arrest without a warrant on a showing of commission of a felony and reasonable grounds to suspect the arrested party. State v. Fritz (Mo.), 490 S.W.2d 30.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.190 - Rights of officer in making arrests.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.190. Rights of officer in making arrests. —If, after notice of the intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary means to effect the arrest. ---------- (RSMo 1939 § 3960) Prior revisions: 1929 § 3571; 1919 § 3914; 1909 § 5121 (1976) This section and § 559.040 held unconstitutional as a violation of due process as guaranteed by the fifth and fourteenth amendments to the Constitution of the United States. Caveat, this is a four to three decision and may be considered by the supreme court. Mattis v. Schnarr (C.A. Mo.), 547 F.2d 1007. (1980) A jury is fully capable of understanding the term "necessary means" without further definition. Davis v. Moore (A.),

601 S.W.2d 316.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.193 - Strip searches prohibited, when — how executed if authorized.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.193. Strip searches prohibited, when — how executed if authorized. —1. As used in sections 544.193 to 544.197: (1)"Body cavity search"means the inspection of a person's anus or genitalia, including but not limited to inspections conducted visually, manually or by means of any physical instrument. (2)"Strip search"means the removal or rearrangement of some or all of the clothing of a person so as to permit an inspection of the genitals, buttocks, anus, breasts or undergarments of such person, including but not limited to inspections conducted visually, manually or by means of any physical instrument. 2. No person arrested or detained for a traffic offense or an offense which does not constitute a felony may be subject to a strip search or a body cavity search by any law enforcement officer or employee unless there is probable cause to believe that such person is concealing a weapon, evidence of the commission of a crime or contraband. 3. All strip searches and body cavity searches conducted by law enforcement officers or employees in this state shall be performed by persons of the same sex as the person being searched, and shall be conducted on premises where the search cannot be observed by any person other than the persons physically conducting the search, except that nothing herein shall be interpreted to prohibit a readily available person from being present at the request and consent of the person being searched. 4. A body cavity search of any person detained or arrested for a traffic offense or an offense which does not constitute a felony may only be conducted pursuant to a duly executed search warrant, under sanitary conditions and by a physician, registered nurse or practical nurse, licensed to practice in this state. 5. Every law enforcement officer or employee conducting a strip search or body cavity search shall: (1) Obtain the written permission of the person in command of the law enforcement agency in which the strip search or body cavity search is to be conducted authorizing the strip search or body cavity search; and (2) Prepare a report regarding the strip search or body cavity search. The report shall include: (a) The written permission required in subdivision (1) above; (b) The name of the person searched; (c) The name of the persons conducting the search; (d) The time, date and place of the search.--A copy of the report shall be furnished to the person who was searched. --A copy of the report shall be furnished to the person who was searched. ---------- (L. 1980 H.B. 982 § 1)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.195 - Rights and remedies of person wronged.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.195. Rights and remedies of person wronged. —1. Nothing in sections 544.193 to 544.197 shall be construed as limiting any common law or statutory rights of any person regarding any action for damages or injunctive relief, or as precluding the prosecution under another provision of law of any law enforcement official or employee who has violated sections 544.193 to 544.197. 2. Any person who suffers actual damage as a result of the violation of sections 544.193 to 544.197 may bring a private civil action in the circuit court of any county in which any defendant resides or in which the search complained of occurred or in which any plaintiff resides and a defendant may be found, to recover actual damages. In addition to actual damages, the court may, in its discretion, also award punitive damages and such equitable relief as it deems necessary and proper. The court may award reasonable attorney's fees to the prevailing party, which attorney's fees shall be based on the amount of time reasonably expended by an attorney on behalf of the prevailing party. ---------- (L. 1980 H.B. 962 § 2)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.197 - Sections 544.193 to 544.197 not applicable, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.197. Sections 544.193 to 544.197 not applicable, when. —The provisions of sections 544.193 to 544.197 shall not apply to persons committed to a correctional institution or jail by judgment of a court of competent jurisdiction. ---------- (L. 1980 H.B. 982 § 3)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.200 - Officer may break open doors.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.200. Officer may break open doors. —To make an arrest in criminal actions, the officer may break open any outer or inner door or window of a dwelling house or other building, or any other enclosure, if, after notice of his office and purpose, he be refused admittance. ---------- (RSMo 1939 § 3889) Prior revisions: 1929 § 3499; 1919 § 3844; 1909 § 5052 (1968) Held facts justified forcible entry and arrest without warrant. State v. Novak (Mo.), 428 S.W.2d 585.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.210 - Arrests, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.210. Arrests, when. —An arrest may be made on any day or at any time of the day or night. If any person arrested escape or be rescued, the person from whose custody he made his escape or was rescued may immediately pursue and retake him at any time and within any place in the state, and may command assistance as in making arrests in other cases. ---------- (RSMo 1939 § 3961) Prior revisions: 1929 § 3572; 1919 § 3915; 1909 § 5122 CROSS REFERENCE: Process to preserve peace or to arrest offender, may issue on Sunday, 476.250

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.216 - Powers of arrest, arrest without warrant on suspicion persons violating any law of state including infractions, misdemeanors and ordinances, exception — power of municipal officer in unincorporated area.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.216. Powers of arrest, arrest without warrant on suspicion persons violating any law of state including infractions, misdemeanors and ordinances, exception — power of municipal officer in unincorporated area. —Except as otherwise provided in section 544.157, any sheriff or deputy sheriff, any member of the Missouri state highway patrol, and any county or municipal law enforcement officer in this state, except those officers of a political subdivision or municipality having a population of less than two thousand persons or which does not have at least four full-time nonelected peace officers unless such subdivision or municipality has elected to come under and is operating pursuant to the provisions of sections 590.100 to 590.150*, may arrest on view, and without a warrant, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any ordinance or law of this state, including a misdemeanor or infraction, over which such officer has jurisdiction. Peace officers of a municipality shall have arrest powers, as described in this section, upon lands which are leased or owned by the municipality in an unincorporated area. Ordinances enacted by a municipality, owning or leasing lands outside its boundaries, may be enforced by peace officers of the municipality upon such owned or leased lands. The power of arrest authorized by this section is in addition to all other powers conferred upon law enforcement officers, and shall not be construed so as to limit or restrict any other power of a law enforcement officer. ---------- (L. 1983 S.B. 72 § 2, A.L. 1986 S.B. 450, A.L. 1993 S.B. 180, A.L. 1996 H.B. 1047, A.L. 2014 H.B. 1665 & 1335 merged with S.B. 745) *Section 590.150 was repealed by H.B. 80, 2001. CROSS REFERENCES: Arrest on suspicion, Kansas City, 84.440 Arrest on suspicion, St. Louis City, 84.090 Failure to execute arrest warrant, penalty, 575.180

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.218 - Arrest without warrant, lawful, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.218. Arrest without warrant, lawful, when. —An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 577.010 or 577.012 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer. ---------- (L. 1982 S.B. 513, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2010 H.B. 1695, et al., A.L. 2014 S.B. 491) Transferred 2014; formerly 577.039; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.220 - Conveyance of prisoner through another county.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.220. Conveyance of prisoner through another county. —Every officer or other person, who shall have arrested or have in his custody, under the authority of the law of this state, any prisoner who is to be conveyed from one county to another, may carry such prisoner through such parts of any county as shall be in the ordinary route of travel from the place where such prisoner shall have been arrested to the place where he is to be conveyed and delivered, under the process or authority by which such prisoner shall have been arrested or is detained. ---------- (RSMo 1939 § 4181) Prior revisions: 1929 § 3791; 1919 § 4137; 1909 § 5342

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.230 - Officer not subject to arrest — posse.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.230. Officer not subject to arrest — posse. —The officer or person having such prisoner in charge shall not be liable to arrest or civil process while on his route; and he shall have the like power to require any person to aid in securing such prisoner and retaking him if he escape as sheriffs or other officers have in their own county; and a refusal or neglect to render such aid shall be an offense punishable in the same manner as for disobedience to a summons to assist in the execution of process. ---------- (RSMo 1939 § 4182) Prior revisions: 1929 § 3792; 1919 § 4138; 1909 § 5343

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.240 - Duty of jailer.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.240. Duty of jailer. —The jailer of every county through which such prisoner may be taken is required to receive and safely keep such prisoner in the jail of which he has charge, when thereto requested by the officer or person having lawful charge of such prisoner, and to redeliver him on demand of such officer or person. ---------- (RSMo 1939 § 4183) Prior revisions: 1929 § 3793; 1919 § 4139; 1909 § 5344

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.250 - Preliminary hearing, when required — release, when, what conditions.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.250. Preliminary hearing, when required — release, when, what conditions. —No prosecuting or circuit attorney in this state shall file any information charging any person or persons with any felony, until such person or persons shall first have been accorded the right of a preliminary examination before some associate circuit judge in the county where the offense is alleged to have been committed in accordance with this chapter. And if upon such hearing the associate circuit judge shall determine that the alleged offense is one on which the accused may be released, the associate circuit judge may release him as provided in section 544.455 conditioned for his appearance at a time certain before a circuit judge, or associate circuit judge who is specially assigned, and thereafter as directed by the court to answer such charges as may be preferred against him, abide sentence and judgment therein, and not to depart the court without leave; provided, a preliminary examination shall in no case be required where same is waived by the person charged with the crime, or in any case where an information has been substituted for an indictment as authorized by section 545.300. ---------- (RSMo 1939 § 3893, A.L. 1972 H.B. 1160, A.L. 1978 H.B. 1634) Prior revisions: 1929 § 3503; 1919 § 3848; 1909 § 5056 Effective 1-02-79 (1955) Where instrument meeting requirements of information in felony case was filed in magistrate court, it would likely be sufficient as complaint, but, in absence of the filing of an information in circuit court after accused waived preliminary hearing, circuit court had no jurisdiction. State v. McQueen (Mo.), 282 S.W.2d 539. (1960) Although evidence at preliminary hearing may have been scanty it was sufficient and in any event objections based on such insufficiency would not deprive circuit court of jurisdiction of the principal cause and its trial. State v. Hester (Mo.), 331 S.W.2d 535. (1971) Prosecutor has no authority to file an information charging a felony until a magistrate has found that a felony was committed and there was probable cause to believe the prisoner guilty thereof, and, where information substantially varied from complaint, prohibition would lie to prevent prosecution in Circuit Court. State ex rel. Buresh v. Adams (Mo.), 468 S.W.2d 18. (1977) Where complaint charged first degree murder by strangulation, and information charged second degree murder by strangulation and skull fracture, there was not a substantial departure from the complaint. State v. Clark (A.), 546 S.W.2d 455.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.260 - Arrest of person, where tried.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.260. Arrest of person, where tried. —Persons arrested under any warrant for any offense shall, when no provision is otherwise made, be brought before the associate circuit judge who issued the warrant, or if he be absent or his office be vacant, or if he be not authorized to act within the county in which the offense was committed, then before the nearest associate circuit judge in such county; and the warrant by virtue of which the arrest was made, with a proper return endorsed thereon and signed by the officer or person making the arrest, shall be delivered to such associate circuit judge. ---------- (RSMo 1939 § 3862) Prior revisions: 1929 § 3472; 1919 § 3817; 1909 § 5025

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.270 - Procedure before associate circuit judge.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.270. Procedure before associate circuit judge. —The associate circuit judge before whom any such person shall be brought shall proceed, as soon as may be, to examine the complainant and witnesses produced in support of the prosecution, on oath, in the presence of the prisoner, in regard to the offense charged, and other matters connected with such charge which such associate circuit judge may deem pertinent. ---------- (RSMo 1939 § 3863) Prior revisions: 1929 § 3473; 1919 § 3818; 1909 § 5026

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.275 - State correctional facilities may be used for certain civil or criminal proceedings not requiring a jury.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.275. State correctional facilities may be used for certain civil or criminal proceedings not requiring a jury. —When a person committed to the department of corrections is a defendant in a criminal or civil proceeding other than jury trials, or a plaintiff in a civil proceeding other than a jury trial, or the movant in a postconviction proceeding, such proceeding may in the discretion of the judge be heard within a correctional facility of the department of corrections. ---------- (L. 1981 H.B. 223 § 1, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 974)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.280 - Trial, how conducted.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.280. Trial, how conducted. —The order of conducting the trial or hearing, with respect to the introduction of the evidence and the examination of witnesses, shall be the same as governs in the trial of criminal cases before circuit judges, as far as practicable. ---------- (RSMo 1939 § 3869, A. 1949 H.B. 2141, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.290 - Disqualification of associate circuit judge.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.290. Disqualification of associate circuit judge. —An associate circuit judge shall be disqualified to conduct an examination of any person accused of felony as provided in this chapter if an affidavit is

filed in his office by the accused, the prosecuting attorney, or the complainant, before the commencement of such examination, stating that the associate circuit judge is near of kin to the accused by blood or marriage; or that the offense charged is alleged to have been committed against the person or property of such associate circuit judge; or against some person near of kin to him by blood or marriage; or that the associate circuit judge is in anywise interested or prejudiced, or shall have been counsel in the matter, as the affiant verily believes. ---------- (L. 1945 p. 842 § 3864a)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.300 - Proceedings in case of disqualification.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.300. Proceedings in case of disqualification. —If the associate circuit judge is disqualified as provided in section 544.290, he shall certify the case for assignment to the presiding judge of the circuit and the case shall be assigned in the same manner as provided for civil cases in section 517.520. ---------- (L. 1945 p. 842 § 3864b, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.310 - Associate circuit judge may call associate.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.310. Associate circuit judge may call associate. —It shall be lawful for any associate circuit judge to whom any complaint shall be made, or before whom any prisoner shall be brought, as herein provided, to associate with himself any other associate circuit judge of the same county, and the powers and duties herein mentioned may be executed by such two associate circuit judges so associated; and if there be a difference of opinion between the two associate circuit judges on any question, the decision of the former shall prevail. ---------- (RSMo 1939 § 3881) Prior revisions: 1929 § 3491; 1919 § 3836; 1909 § 5044

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.320 - Adjournment of hearing by associate circuit judge — release of prisoner, when, what conditions.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.320. Adjournment of hearing by associate circuit judge — release of prisoner, when, what conditions. —An associate circuit judge may adjourn an examination of a prisoner pending before himself, from time to time as occasion requires, not exceeding twenty-one days at one time, and to the same or any different place in the county, as he deems necessary; and for the purpose of enabling the prisoner or prosecuting attorney to procure the attendance of witnesses, or for other good and sufficient cause shown by said prisoner or prosecuting attorney, said associate circuit judge shall allow such an adjournment on the motion of the prisoner or prosecuting attorney. In the meantime, if the party is charged with an offense not bailable he shall be committed; otherwise he may be released as provided in section 544.455 for his appearance, before such associate circuit judge or before any associate circuit judge who may be authorized to hear the matter, for such further examination, and not to depart without leave of the court, and for want of such recognizance he shall be committed; provided that the associate circuit judge shall continue the cause in excess of twenty-one days in order to comply with section 510.120. ---------- (RSMo 1939 § 3864, A.L. 1945 p. 842, A.L. 1971 H.B. 439, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3474; 1919 § 3819; 1909 § 5027 (1976) Held that granting a continuance in excess of ten days does not cause magistrate to lose jurisdiction. State v. Canania (A.), 537 S.W.2d 203.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.330 - Failure to appear under recognizance.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.330. Failure to appear under recognizance. —If the person recognized does not appear before the associate circuit judge according to the condition of such recognizance, the associate circuit judge shall record the default, but such default may be set aside by the associate circuit judge on the appearance of the prisoner, and for good cause shown, at any time to which the examination may be continued by said associate circuit judge; and in case such default be not set aside, as aforesaid, the associate circuit judge shall certify the recognizance, with a record of such default, to the court having cognizance of the offense charged against the person so recognized, and the like proceedings shall be had thereon as upon breach of condition of a recognizance for appearance before said court. ---------- (RSMo 1939 § 3865) Prior revisions: 1929 § 3475; 1919 § 3820; 1909 § 5028 (1967) Where defendants charged with felony forfeited bond, the magistrate court had jurisdiction only to record default not to enter judgment thereon against surety. Criminal Rule 32.12 cannot enlarge the jurisdiction of the magistrate court and as the magistrate court lacked jurisdiction to enter a judgment against surety, the circuit court acquired no jurisdiction on appeal. State v. Anderson (Mo.), 413 S.W.2d 161. (1971) The state as obligee is not entitled to enforcement of a forfeiture of an appearance bond where the principal was confined by the obligee and by reason of that confinement, the surety was prevented from producing the principal in court and satisfying the condition of the bond. State v. Savage (Mo.), 461 S.W.2d 887.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.340 - Commitment of party, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.340. Commitment of party, when. —When such person is not released as provided in section 544.455, he may be committed to prison by an order under the hand of the associate circuit judge, stating

concisely that he is committed for further examination on a future day, to be named in the order, and on the day appointed he may be brought before the associate circuit judge, by his verbal order to the officer who made the commitment, or by his order in writing to a different person. ---------- (RSMo 1939 § 3866, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3476; 1919 § 3821; 1909 § 5029

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.350 - Complaint to be read, time given for advice.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.350. Complaint to be read, time given for advice. —The associate circuit judge shall strictly inform the prisoner of the charge made against him, and read to him the complaint, if requested to do so, and he shall allow the prisoner reasonable time to advise with his counsel, and, for that purpose, to send for counsel, if he require it. ---------- (RSMo 1939 § 3867) Prior revisions: 1929 § 3477; 1919 § 3822; 1909 § 5030

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.360 - Exclusion of witnesses from examination.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.360. Exclusion of witnesses from examination. —While any witness for or against the prisoner is under examination, the associate circuit judge may exclude from the place in which such examination is had all witnesses who have not been examined, and he may cause the witnesses to be kept separate and prevented from conversing with each other, until they shall have been examined. ---------- (RSMo 1939 § 3868) Prior revisions: 1929 § 3478; 1919 § 3823; 1909 § 5031

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.370 - Homicide, written evidence.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.370. Homicide, written evidence. —In all cases of homicide, but in no other, the evidence given by the several witnesses shall be reduced to writing by the associate circuit judge, or under his direction, and shall be signed by the witnesses respectively. ---------- (RSMo 1939 § 3870) Prior revisions: 1929 § 3480; 1919 § 3825; 1909 § 5033 (1963) Admission in evidence in murder prosecution of transcript of testimony of deceased's widow at preliminary hearing which was not signed by witness nor certified by the magistrate to the circuit court was reversible error where the testimony in connection with other state's evidence conflicted with defendant's evidence. State v. Luttrell (Mo.), 366 S.W.2d 453. (1966) As there is no constitutional requirement that there be a transcript of the testimony in a preliminary hearing, nor even a constitutional requirement that a preliminary hearing be held, defendant had no constitutional right to have a transcript of preliminary hearing. State v. Maxwell (Mo.), 400 S.W.2d 156.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.376 - Crime laboratory reports, evidence as to test results, procedure — person conducting tests, recorded interview prior to hearing, procedure, right to subpoena.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.376. Crime laboratory reports, evidence as to test results, procedure — person conducting tests, recorded interview prior to hearing, procedure, right to subpoena. —At any preliminary hearing conducted in the courts of this state, a report from any crime laboratory in the state, or from any federal crime laboratory, relating to the testing, analysis, identification, or comparison of evidence and certified under the seal of that laboratory shall be received into evidence on the issue of the results of scientific tests. The accused or his attorney of record shall be provided with a copy of such report at least ten days prior to the preliminary hearing and shall have the opportunity before the hearing upon notice to the state of the time and place to conduct the interview, which may be recorded, of any person who conducted the testing, analysis, identification, or comparison of evidence which is the subject matter of the report. Nothing in this section shall affect the right of the accused to subpoena such person. ---------- (L. 1987 H.B. 341 § 2, A.L. 1998 H.B. 1147, et al.) CROSS REFERENCE: Crime laboratory assistance program, 650.100, 650.105

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.380 - Examination of prisoner and his witnesses.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.380. Examination of prisoner and his witnesses. —After the examination of the complainant and the witnesses on the part of the prosecution, the witnesses for the accused may be sworn and examined, and the prisoner may, at his request, be sworn and examined as a witness in his behalf, under the restrictions applicable to the examination of defendants in the trial of criminal cases. ---------- (RSMo 1939 § 3871) Prior revisions: 1929 § 3481; 1919 § 3826; 1909 § 5034

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.390 - Examination and recognizance, certified, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.390. Examination and recognizance, certified, when. —All examinations and recognizances taken in pursuance of the provisions of this chapter shall be certified by the associate circuit judge taking the same, and delivered to the clerk of the court in which the offense is cognizable, on or before the first day of the next term

thereof, except that where the prisoner is committed to jail, the examination of himself and of the witnesses for or against him, duly certified, shall accompany the warrant of commitment, and be delivered therewith to the jailer. ---------- (RSMo 1939 § 3879) Prior revisions: 1929 § 3489; 1919 § 3834; 1909 § 5042 (1966) This statute is not jurisdictional, but is intended to assure a fair preliminary examination and to preserve the evidence taken. State v. Hughey (Mo.), 404 S.W.2d 725.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.400 - Failure of associate circuit judge to discharge duty.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.400. Failure of associate circuit judge to discharge duty. —If any associate circuit judge refuses or neglects to certify and return, as required by section 544.390, any examination or recognizance by him taken, he may be required, by rule of court, forthwith to return the same, and in case of disobedience may be proceeded against by attachment. ---------- (RSMo 1939 § 3880) Prior revisions: 1929 § 3490; 1919 § 3835; 1909 § 5043

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.410 - Discharge, when ordered.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.410. Discharge, when ordered. —If upon the examination of the whole matter, it appears to the associate circuit judge either that no offense has been committed by any person, or that there is no probable cause for charging the prisoner therewith, he shall discharge such prisoner. ---------- (RSMo 1939 § 3872) Prior revisions: 1929 § 3482; 1919 § 3827; 1909 § 5035

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.420 - Recognizance, when required.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.420. Recognizance, when required. —If it appear that a felony has been committed, and that there is probable cause to believe the prisoner guilty thereof, the associate circuit judge shall bind, by recognizance, the prosecutor, and all material witnesses against such prisoner, to appear and testify before the court having cognizance of the offense, on such day as the prosecuting attorney shall designate in writing duly filed with the associate circuit judge at the time, and not to depart such court without leave. ---------- (RSMo 1939 § 3873) Prior revisions: 1929 § 3483; 1919 § 3828; 1909 § 5036 (1977) Preliminary hearing is in no sense a trial and primary purpose is to prevent abuse of power by the prosecution. State v. Clark (A.), 546 S.W.2d 455.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.430 - Who may be bound by recognizance.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.430. Who may be bound by recognizance. —Infants and married women shall be deemed capable, in law, of binding themselves by recognizance for their appearance and attendance, as specified in section 544.420, in like manner and with like effect as other persons. ---------- (RSMo 1939 § 3874) Prior revisions: 1929 § 3484; 1919 § 3829; 1909 § 5037

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.440 - Commitment of witnesses.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.440. Commitment of witnesses. —If any witness so required to enter into a recognizance refuse to comply with such order, the associate circuit judge may commit him or her to prison until he or she comply with such order or be otherwise discharged according to law. ---------- (RSMo 1939 § 3875) Prior revisions: 1929 § 3485; 1919 § 3830; 1909 § 5038

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.453 - Bail or conditions of release, factors to consider.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.453. Bail or conditions of release, factors to consider. —Notwithstanding any provision of the law or court rule to the contrary, a judge or judicial officer, when setting bail or conditions of release in all courts in Missouri for any offense charged, shall consider, in addition to any factor required by law, whether: (1) A defendant poses a danger to a victim of a crime, the community, any witness to the crime, or to any other person; (2) A defendant is a flight risk; (3) A defendant has committed a misdemeanor offense involving a crime of violence, sexual offense, or felony offense in this state or any other state in the last five years; and (4) A defendant has failed to appear in court as a required condition of probation or parole for a misdemeanor involving a crime of violence or felony or a sexual offense within the last three years. ---------- (L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.455 - Release of person charged, when — conditions which may be imposed.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.455. Release of person charged, when — conditions which may be imposed. —1. Any person charged with a bailable offense, at his or her appearance before an associate circuit judge or judge may be

ordered released pending trial, appeal, or other stage of the proceedings against him on his personal recognizance, unless the associate circuit judge or judge determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the associate circuit judge or judge may either in lieu of or in addition to the above methods of release, impose any or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial: (1) Place the person in the custody of a designated person or organization agreeing to supervise him; (2) Place restriction on the travel, association, or place of abode of the person during the period of release; (3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; (4) Require the person to report regularly to some officer of the court, or peace officer, in such manner as the associate circuit judge or judge directs; (5) Require the execution of a bond in a given sum and the deposit in the registry of the court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable bonds of the United States or of the state of Missouri or any political subdivision thereof; (6) Place the person on house arrest with electronic monitoring; except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, the judge may order that the person be placed on house arrest with electronic monitoring if the county commission agrees to pay from the general revenue of the county the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring; (7) Impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours. 2. In determining which conditions of release will reasonably assure appearance, the associate circuit judge or judge shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings. 3. An associate circuit judge or judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation. 4. A person for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the condition reviewed by the associate circuit judge or judge who imposed them. The motion shall be determined promptly. 5. An associate circuit judge or judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release; except that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection 4 of this section shall apply. 6. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law. 7. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court. 8. Persons charged with violations of municipal ordinances may be released by a municipal judge or other judge who hears and determines municipal ordinance violation cases of the municipality involved under the same conditions and in the same manner as provided in this section for release by an associate circuit judge. 9. A circuit court may adopt a local rule authorizing the pretrial release on electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of incarceration of individuals charged with offenses specifically identified therein. ---------- (L. 1972 H.B. 1160, A.L. 1978 H.B. 1634, A.L. 2011 H.B. 111, A.L. 2013 H.B. 215 merged with H.B. 374 & 434 merged with S.B. 327) (1976) Provisions as to issuance of an appropriate order containing a statement of the conditions imposed and warning of consequences of failure to appear do not apply to persons released under the provisions of § 544.665. State v. Adams (A.), 532 S.W.2d 524.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.456 - Sam Pratt's Law — prohibition on providing child care services for compensation pending final disposition, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.456. Sam Pratt's Law — prohibition on providing child care services for compensation pending final disposition, when. —1. This section shall be known and may be cited as "Sam Pratt's Law". 2. In any case involving abuse, neglect, or death of a child, any court with competent jurisdiction may impose as a condition of release of a defendant under section 544.455 that such defendant be prohibited from providing child care services for compensation pending final disposition of the case. The court shall notify the department of health and senior services and the department of social services when it makes such a determination, as well as the final disposition of the case. ---------- (L. 2012 H.B. 1323)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.457 - Bail, amount of, information which may be considered — denial of bail — special conditions.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.457. Bail, amount of, information which may be considered — denial of bail — special conditions. —Notwithstanding the provisions of Section 20 of Article I of the Missouri Constitution to the contrary, upon a showing that the defendant poses a danger to a crime victim, the community, or any other person, the court may use such information in determining the appropriate amount of bail, to increase the amount of bail, to deny bail entirely or impose any special

conditions which the defendant and surety shall guarantee. ---------- (L. 1993 S.B. 19 § 595.209 subsec. 2)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.470 - Commitment of individual, when — presumption for aliens unlawfully present.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.470. Commitment of individual, when — presumption for aliens unlawfully present. —1. If the offense is not bailable, if the individual is not granted electronic monitoring, or if the individual does not meet the conditions for release, as provided in section 544.455, the individual shall be committed to the jail of the county in which the same is to be tried, there to remain until such individual be discharged by due course of law. 2. There shall be a presumption that releasing the person under any conditions as provided by section 544.455 shall not reasonably assure the appearance of the person as required if the circuit judge or associate circuit judge reasonably believes that the person is an alien unlawfully present in the United States. If such presumption exists, the person shall be committed to the jail, as provided in subsection 1 of this section, until such person provides verification of his or her lawful presence in the United States to rebut such presumption. If the person adequately proves his or her lawful presence, the circuit judge or associate circuit judge shall review the issue of release, as provided under section 544.455, without regard to previous issues concerning whether the person is lawfully present in the United States. If the person cannot prove his or her lawful presence, the person shall continue to be committed to the jail and remain until discharged by due course of law. ---------- (RSMo 1939 § 3877, A.L. 1972 H.B. 1160, A.L. 2008 H.B. 1549, et al., A.L. 2011 H.B. 111) Prior revisions: 1929 § 3487; 1919 § 3832; 1909 § 5040 (2016) Wholesale denial of pretrial release for all defendants unable to prove lawful presence in United States violates right to reasonable and individualized bail under Article I, Section 20 of Missouri Constitution. Lopez-Matias v. State, 504 S.W.3d 716 (Mo.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.472 - Persons confined to jail, verification of lawful immigration status required.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.472. Persons confined to jail, verification of lawful immigration status required. —1. If verification of the nationality or lawful immigration status of any person who is charged and confined to jail for any period of time cannot be made from documents in the possession of the prisoner or after a reasonable effort on the part of the arresting agency to determine the nationality or immigration status of the person so confined, verification shall be made by the arresting agency within forty-eight hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If it is determined that the prisoner is in the United States unlawfully, the arresting agency shall notify the United States Department of Homeland Security. 2. Nothing in this section shall be construed to deny any person bond or prevent a person from being released from confinement if such person is otherwise eligible for release. ---------- (L. 2008 H.B. 1549, et al. § 577.900, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.680; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.490 - What courts may accept recognizance.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.490. What courts may accept recognizance. —Whenever any person shall be committed to jail on a warrant of commitment by any associate circuit judge for an offense for which he may be released as provided in section 544.455, the recognizance or other condition for release may be taken by a circuit judge or an associate circuit judge who has been specially assigned for such purpose, and in case of the absence of any such judge from the county, such recognizance or condition for release may be taken by any judge of the circuit court except a municipal judge. ---------- (RSMo 1939 § 3885, A.L. 1945 p. 841, A.L. 1972 H.B. 1160, A.L. 1978 H.B. 1634) Prior revisions: 1929 § 3495; 1919 § 3840; 1909 § 5048 Effective 1-02-79 CROSS REFERENCE: In habeas corpus, prisoner may be let to bail, amount fixed, 532.450, 532.480

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.500 - Recognizance, disposition of.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.500. Recognizance, disposition of. —Whenever any prisoner is released as provided in section 544.455 by any court, it shall be the duty of the clerk of the court by which the prisoner was released immediately to transmit a record of the release together with any conditions imposed to the clerk of the court in which the party released is required to appear. ---------- (RSMo 1939 § 3886, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3496; 1919 § 3841; 1909 § 5049

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.510 - Bail, when taken other than by court.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.510. Bail, when taken other than by court. —Whenever any prisoner shall be let to bail by any officer out of court, such officer shall immediately cause the recognizance taken by him to be filed with the clerk of the court in which the prisoner is recognized to appear. ---------- (RSMo 1939 § 3887) Prior revisions: 1929 § 3497; 1919 § 3842; 1909 § 5050

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2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.520 - Name of prosecutor returned with bail bond.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.520. Name of prosecutor returned with bail bond. —If in such case the accused shall be held to answer for the offense, it shall be the duty of the associate circuit judge to make out a certificate of the name, occupation and place of abode of the prosecutor, and return the same, with the recognizance of such prisoner, to the proper county. ---------- (RSMo 1939 § 3888) Prior revisions: 1929 § 3498; 1919 § 3843; 1909 § 5051

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.530 - Bond or recognizance, by whom taken.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.530. Bond or recognizance, by whom taken. —When the defendant is in custody or under arrest for an offense for which he may be released as provided in section 544.455, the court in which the indictment or information is pending may release him and take his bond or recognizance, or, if the court is not in session, the clerk of the court may take his bond or recognizance. ---------- (RSMo 1939 § 3962, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3573; 1919 § 3916; 1909 § 5123

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.540 - Court to fix conditions for release, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.540. Court to fix conditions for release, when. —If the defendant is not arrested or in custody during the term at which an indictment for felony is returned, the court must fix the conditions for release as provided in section 544.455 required of the defendant, and the clerk must endorse the conditions on the warrant; but if no order fixing the conditions for release has*been made, the sheriff may present the warrant to the judge of the court, and such judge may thereupon endorse the conditions for release required; or if the judge is not in the county, the clerk may fix the conditions for release. ---------- (RSMo 1939 § 3963, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3574; 1919 § 3917; 1909 § 5124 *Word "have" appears in original rolls.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.550 - Recognizances, how taken.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.550. Recognizances, how taken. —All recognizances taken in a court of record in term shall be entered of record, and all recognizances required or authorized to be taken in vacation in any criminal case, or proceeding of a criminal nature, shall be in writing, and signed by the parties to be bound thereby. ---------- (RSMo 1939 § 3964) Prior revisions: 1929 § 3575; 1919 § 3918; 1909 § 5125

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.560 - Sheriff may set conditions for release, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.560. Sheriff may set conditions for release, when. —When any sheriff or other officer shall arrest a party by virtue of a warrant upon an indictment, or shall have a person in custody under a warrant of commitment on account of failing to find conditions for release as provided in section 544.455, and the conditions for release required are specified on the warrant, or if the case is a misdemeanor, such officer may set the conditions for release, and discharge the person so held from actual custody. ---------- (RSMo 1939 § 3965, A.L. 1957 p. 379, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3576; 1919 § 3919; 1909 § 5126

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.570 - Recognizances returned to clerk.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.570. Recognizances returned to clerk. —Every recognizance or other conditions for release as provided in section 544.455 taken by any sheriff or other officer must be certified and returned by him forthwith to the clerk of the court to which the defendant is recognized, and by such clerk carefully filed and preserved for the action of the court thereon. ---------- (RSMo 1939 § 3968, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3579; 1919 § 3922; 1909 § 5129

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.575 - No proceeding upon a recognizance defeated for defects.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.575. No proceeding upon a recognizance defeated for defects. —No proceeding upon a recognizance shall be defeated, nor shall judgment thereon be prevented or arrested, on account of any defect of form, omission of recital, condition of undertaking therein, neglect of an associate circuit judge or clerk to note or record the default of any principal or surety at the time when such default shall happen, or of any other irregularity if it be made to appear from the whole record or proceeding that the defendant was legally in custody, charged with a criminal offense, that he was discharged therefrom by reason of the giving of the recognizance, and that it can be ascertained from the recognizance that the sureties

undertook that the defendant should appear before a court at the time specified. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.580 - Qualification of sureties.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.580. Qualification of sureties. —Sureties in recognizances or bail bonds in criminal cases and proceedings shall be residents of this state, and shall be worth, over and above the amount exempt from execution, and the amount of their debts and liabilities, the sum which is required; and the person or persons offered as sureties may be examined on oath in regard to their qualifications as sureties, and other proof may be taken in regard to the sufficiency of the same. The officer authorized to set conditions of release is authorized to administer all necessary oaths in that behalf. ---------- (RSMo 1939 § 3966, A.L. 1972 H.B. 1160) Prior revisions: 1929 § 3577; 1919 § 3920; 1909 § 5127

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.590 - When security deemed sufficient.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.590. When security deemed sufficient. —Where more than one person is offered as sureties, they shall be deemed sufficient, if in the aggregate they possess the necessary qualifications. But no recognizance shall be taken unless the court or officer authorized to take the same shall be satisfied, from proof and examination on oath or otherwise, of the sufficiency of the sureties according to the requirements of this and the preceding sections. ---------- (RSMo 1939 § 3967) Prior revisions: 1929 § 3578; 1919 § 3921; 1909 § 5128

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.600 - Surrender of principal, how made.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.600. Surrender of principal, how made. —When a bail desires to surrender his principal, he may procure a copy of the recognizance from the clerk, by virtue of which the bail, or any person authorized by him, may take the principal in any county within this state. ---------- (RSMo 1939 § 3969) Prior revisions: 1929 § 3580; 1919 § 3923; 1909 § 5130

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.610 - Discharge of bailor's liability, how.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.610. Discharge of bailor's liability, how. —The bailor at any time before final judgment against him upon a forfeited recognizance, may surrender his principal in open court or to the sheriff; and upon the payment of all costs occasioned by the forfeiture, and all costs that may accrue at the term to which the prisoner was recognized to appear, may thereupon be discharged from any further liability upon the recognizance. ---------- (RSMo 1939 § 3970) Prior revisions: 1929 § 3581; 1919 § 3924; 1909 § 5131

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.620 - What deemed a surrender.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.620. What deemed a surrender. —The bailor must deliver a certified copy of the recognizance to the sheriff with the principal, and the sheriff must accept the surrender of the principal, and acknowledge such acceptance in writing. ---------- (RSMo 1939 § 3971) Prior revisions: 1929 § 3582; 1919 § 3925; 1909 § 5132

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.630 - Other bail.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.630. Other bail. —Any defendant so surrendered may give other bail, or remain in custody until discharged by the due course of law. ---------- (RSMo 1939 § 3972) Prior revisions: 1929 § 3583; 1919 § 3926; 1909 § 5133

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.640 - Recognizance forfeited, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.640. Recognizance forfeited, when. —If, without sufficient cause or excuse, the defendant fails to appear for trial or judgment, or upon any other occasion when his presence in court may be lawfully required, according to the condition of his recognizance, the court must direct the fact to be entered upon its minutes, and thereupon the recognizance is forfeited, and the same shall be proceeded upon by scire facias to final judgment and execution thereon, although the defendant may be afterward arrested on the original charge, unless remitted by the court for cause shown. ---------- (RSMo 1939 § 3973) Prior revisions: 1929 § 3584; 1919 § 3927; 1909 § 5134 (1954) Words "unless remitted by the court for cause shown" relate to the whole of § 544.640 and trial court, while the matter is pending before it, may for cause remit the penalty before final judgment but such remission must be based on proof of extraordinary and unusual circumstances. State v. Salisbury, 364 Mo. 1039, 271 S.W.2d 522. (1961) Where defendant failed to appear on misdemeanor charge at time fixed in his bond, the bond could be forfeited, notwithstanding his attorney appeared and the information in the case was dismissed as being insufficient. State v. Norton

(Mo.), 347 S.W.2d 849. (1973) Incarceration of defendant in another state is not circumstance which will discharge his surety as a matter of law. State v. Jones (Mo.), 491 S.W.2d 241. (1974) Only grounds for discharge of a surety on a bail bond are failure to appear because of (1) an act of God, (2) an act of law, (3) an act of an obligee. State owes no duty to have party returned under agreement on detainers in order to avoid forfeiture of bond. State v. Patterson (A.), 508 S.W.2d 304. (1974) Held that release of surety on bond is mandatory where defendant is produced in open court after forfeiture of bond but before a judgment on the forfeiture. Proper venue for action on the bond is in court of county where action commenced, not in county to which action was transferred on change of venue. State v. Street (A.), 510 S.W.2d 225. (1974) Held that court is not required to have either accused or his bondsman called prior to forfeiture of bail. State v. Henderson (A.), 512 S.W.2d 218. (1980) After the police had obtained custody of defendant and a bail bond forfeiture proceeding is subsequently held, the court is not required to release surety from liability. State v. Armstrong (A.), 605 S.W.2d 526.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.650 - Writ of scire facias, how served.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.650. Writ of scire facias, how served. —Whenever any bail bond or recognizance has been given or entered into in any criminal proceedings, conditioned for the appearance of any person charged with, indicted for or convicted of any criminal offense, or for any other purpose, and the conditions thereof shall become broken or the same shall be forfeited, it shall be lawful and sufficient to serve the writ of scire facias or other writ or process which may be issued in such proceeding, either by delivering a duly certified copy of such writ or process to the person therein named, or by leaving such duly certified copy of such writ or process at the usual place of abode of the person therein named, with a member of his family over the age of fifteen years. ---------- (RSMo 1939 § 3974) Prior revisions: 1929 § 3585; 1919 § 3928; 1909 § 5135

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.660 - Writs of scire facias, service construed.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.660. Writs of scire facias, service construed. —Whenever two successive writs of scire facias shall have been issued upon any forfeited recognizance or bail bond, and return shall be made on each of said writs by the sheriff or marshal that any of the parties therein cannot be found, such two returns shall be deemed a sufficient service upon the person as to whom such returns were made. ---------- (RSMo 1939 § 3975) Prior revisions: 1929 § 3586; 1919 § 3929; 1909 § 5136

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.665 - Failure to appear, penalty.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.665. Failure to appear, penalty. —1. In addition to the forfeiture of any security which was given or pledged for a person's release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other stage of a criminal matter against him or her, knowingly fails to appear before any court or judicial officer as required shall be guilty of the crime of failure to appear. 2. Failure to appear is: (1) A class E felony if the criminal matter for which the person was released included a felony; (2) A class A misdemeanor if the criminal matter for which the person was released includes a misdemeanor or misdemeanors but no felony or felonies; (3) An infraction if the criminal matter for which the person was released includes only an infraction or infractions; (4) An infraction if the criminal matter for which the person was released includes only the violation of a municipal ordinance, provided that the sentence imposed shall not exceed the maximum fine which could be imposed for the municipal ordinance for which the accused was arrested. 3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its power to punish for contempt. ---------- (L. 1972 H.B. 1160, A.L. 1996 H.B. 1047, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.671 - Certain defendants not entitled to bail for certain offenses.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.671. Certain defendants not entitled to bail for certain offenses. —Notwithstanding any supreme court rule or judicial ruling to the contrary, no defendant under a sentence of death or imprisonment in the penitentiary for life, or any sentence of imprisonment for a violation of section 579.065*, 565.021, or 565.050, section 566.030, 566.032, 566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant who has pled guilty to or been found guilty of any felony sexual offense under chapter 566, where the victim was less than seventeen years of age at the time the crime was committed, any sexual offense under chapter 568, where the victim was less than seventeen years of age at the time the crime was committed, or any pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any felony violation of section 573.040, shall be entitled to bail pending appeal after June 29, 1994. Pursuant to the prerogative of the general assembly to declare the public policy of this state in matters regarding criminal liability of persons and to enact laws relating to judicial procedure, the general assembly declares that subsequent to June 29, 1994, no person shall be entitled to bail or continuation of bail pursuant to section 547.170 if that person is under a sentence of death or imprisonment in the penitentiary for life, or any sentence of imprisonment for a violation of section 579.065*, 565.021, or 565.050, section 566.030, 566.032, 566.040,

566.060, 566.062, 566.070, or 566.100, and no defendant who has pled guilty to or been found guilty of any felony sexual offense under chapter 566, where the victim was less than seventeen years of age at the time the crime was committed, any sexual offense under chapter 568, where the victim was less than seventeen years of age at the time the crime was committed, or any pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any felony violation of section 573.040. ---------- (L. 1994 S.B. 763 § 2, A.L. 2006 H.B. 1698, et al.) Effective 6-05-06 *Section 195.222 was transferred to section 579.065 by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 544 - Arrest, Examination, Commitment and BailSection 544.676 - Court may deny bail upon showing that defendant poses danger to victim, witness, or community — considerations — right to trial, time limit.

Title XXXVII CRIMINAL PROCEDURE Chapter 544 544.676. Court may deny bail upon showing that defendant poses danger to victim, witness, or community — considerations — right to trial, time limit. —1. Upon a showing by the state that a defendant poses a danger to a crime victim, witness, or the community, the court may deny bail to a defendant or impose such conditions as it deems appropriate to protect a crime victim, witness or the community. 2. In determining whether a defendant poses a danger to a crime victim, witness, or the community, the court may consider all relevant evidence, including but not limited to: (1) The defendant's criminal record; (2) Whether the defendant was on probation or released on bail at the time the crime for which the court is considering bail was committed; (3) The nature and circumstances of the crime for which bail is being sought. 3. A defendant who is denied bail because he poses a danger to a crime victim, witness, or the community shall, upon written request filed at arraignment, be entitled to a trial which begins within one hundred twenty days of his arraignment or within one hundred twenty days of an order granting a change of venue, whichever occurs later. The provisions of this subsection shall be waived and of no effect if the defendant requests and receives a continuance or if bail is set for the defendant. ---------- (L. 1994 S.B. 554 § 595.209 subsecs. 4, 5, 6)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.010 - Felonies and misdemeanors may be prosecuted by indictment or information, exceptions.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.010. Felonies and misdemeanors may be prosecuted by indictment or information, exceptions. —All felonies shall be prosecuted by indictment or information, except in cases arising in the land, air or naval forces, or in the militia as provided in sections 40.005 to 40.490; and all misdemeanors shall be prosecuted by indictment or by information in the courts having jurisdiction thereof. But that mode of procedure which shall be first instituted by the filing of the indictment or information for any offense shall be pursued to the exclusion of the other, so long as the same shall be pending and undetermined; and the court in which the prosecution shall be first commenced by the filing therein of the indictment or information, and the issuing of a warrant thereon, shall retain jurisdiction and control of the cause to the exclusion of any other court so long as the same shall be pending and undisposed of; provided, that misdemeanors for violation of general laws of this state shall in no case be prosecuted in any police or recorder's court, any provision of any special city charter to the contrary notwithstanding; provided, that the last mentioned provision of this section shall only apply to cities having a population of not less than fifty thousand and not exceeding three hundred thousand inhabitants. ---------- (RSMo 1939 § 3892, A.L. 1984 H.B. 1035) Prior revisions: 1929 § 3502; 1919 § 3847; 1909 § 5055 CROSS REFERENCES: Liquor laws, indictment for violation to contain what, 311.770 Preliminary examination required, when, 544.250 Prosecutions by indictment or information, Const. Art. I § 17 (1984) Filing of a complaint in circuit court charging defendant with capital murder did not give defendant a constitutional right to a preliminary hearing if the prosecution chose to seek an indictment by grand jury for the same crime. State v. Thomas (Mo.App.E.D.), 674 S.W.2d 131.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.015 - Definitions.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.015. Definitions. —As used in chapter 545, unless the context clearly requires otherwise: (1)"Magistrate"means associate circuit judge; (2)"Circuit court"means a division of the circuit court presided over by a circuit judge; and (3)"Judge of the circuit court"means a circuit judge. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.020 - Recovery of fine or forfeiture, how.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.020. Recovery of fine or forfeiture, how. —Whenever a fine, penalty or forfeiture is or may be inflicted by any statute of this state for any offense, the same may be recovered by indictment or information, notwithstanding another or different remedy for the recovery of the same may be specified in the law imposing the fine, penalty or forfeiture; provided, that in all cases the fine, penalty or forfeiture shall go to the state, county, corporation, person or persons to whom the law imposing the same declares it shall accrue. ---------- (RSMo 1939 § 4860) Prior revisions: 1929 § 4467; 1919 § 3708; 1909 § 4919 CROSS REFERENCE: Trespass, penalties and damages may be recovered by indictment or information, 537.370 (1967) Where a continuance is granted upon the defendant's application, or because of some other action on his part, or upon the order of the court, not requested by the state, it is not a ground for discharge under the statute. Where a case is not tried at one or more terms, and the record is completely silent as to the reason why it was not tried, it is presumed, in the absence of proof to the

contrary, that the failure of the state to try the case during such term or terms, was not due to laches on the part of the state. State v. Barlish (A.), 421 S.W.2d 558.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.030 - Indictments and informations, when valid.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.030. Indictments and informations, when valid. —1. No indictment or information shall be deemed invalid, nor shall the trial, judgment or other proceedings thereon be stayed, arrested or in any manner affected: (1) By reason of the omission or misstatement of the defendant's title, occupation, estate or degree, or of the county or town of his residence; or (2) By the omission of the words, "with force and arms", or any words with similar import; or (3) By omitting to charge any offense to have been contrary to a statute or statutes, notwithstanding such offense may have been created or the punishment declared by a statute; or (4) For the omission of the words "as appears by the record"; nor (5) For omitting to state the time at which the offense was committed, in any case where time is not of the essence of the offense; nor (6) For stating the time imperfectly; nor (7) For stating the offense to have been committed on a day subsequent to the finding of the indictment or information, or an impossible day, or on a day that never happened; nor (8) For want of a proper or perfect venue; nor (9) For want of any venue at all; nor (10) For want of a statement of the value or price of any matter or thing, or the amount of damages, injury or spoil in any case where the value or price, or the amount of damages, injury or spoil is not of the essence of the offense; nor (11) For the want of an allegation of the time or place of any material fact, when the time and place have once been stated in the indictment or information; nor (12) That dates and numbers are represented by figures; nor (13) For an omission to allege that the grand jurors were impaneled, sworn or charged; nor (14) For any surplusage or repugnant allegation, when there is sufficient matter alleged to indicate the crime and person charged; nor (15) For want of the averment of any matter not necessary to be proved; nor (16) For any error committed at the instance or in favor of the defendant; nor (17) Because the evidence shows or tends to show him to be guilty of a higher degree of the offense than that of which he is convicted; nor (18) For any other defect or imperfection which does not tend to the prejudice of the substantial rights of the defendant upon the merits. 2. Provided, that nothing herein shall be so construed as to render valid any indictment which does not fully inform the defendant of the offense of which he stands charged. ---------- (RSMo 1939 § 3952) Prior revisions: 1929 § 3563; 1919 § 3908; 1909 § 5115 (1951) Amendment of forgery information, after jury was sworn, to change date of offense from 13th of November to 14th, where check set out in information was dated "11-1449" held not erroneous. State v. Redding, 362 Mo. 39, 239 S.W.2d 494. (1951) Where information, at beginning, alleged accused committed assault upon himself, but went on to charge that defendant assaulted another, it was not void under this section. State v. Taylor, 362 Mo. 676, 243 S.W.2d 301. (1952) Where caption of information for driving while intoxicated, correctly set forth defendant's name, and he was referred to in the body of the information only as "the defendant," information, which was otherwise sufficient to charge appellant with the crime for which he was convicted, held valid. State v. Hurley (Mo.), 251 S.W.2d 617. (1953) It is not necessary to negative all exceptions in the statute in an indictment charging an individual with a sale of nonintoxicating beer to a minor, but such negativing or exceptions does not invalidate the indictment. Such allegations must be regarded as surplusage. State v. Henry (A.), 254 S.W.2d 307. (1954) Submission of manslaughter in murder case, where evidence did not support issue, was not an error of which defendant could complain. State v. Brotherton (Mo.), 266 S.W.2d 712. (1955) Information charging that defendant operated automobile in careless, reckless and imprudent manner so as to endanger life, etc., held insufficient as failing to inform defendant of offense of which he was charged. State v. Reynolds (A.), 274 S.W.2d 514. (1961) Where submissible case was made as to second degree murder, defendant was not entitled to complain that a submissible case was not made as to manslaughter. State v. Chamineak (Mo.), 343 S.W.2d 153. (1962) Use of word "hereinafter" instead of word "hereinbefore" in instruction "that such shooting and killing were not done in self defense as hereinafter explained you will find him guilty of manslaughter" was mere discrepancy cured by this statute. State v. Gray (Mo.), 360 S.W.2d 642. (1964) Court did not err in permitting substitution of information for indictment at close of evidence and before submission of case to jury where the only difference was that information stated both the name and alias of person to whom defendant sold marijuana and indictment stated only the alias since defendant had known for over a month the true name of the person named in indictment. State v. Whittington (Mo.), 379 S.W.2d 518. (1966) Failure to allege a constituent element of an offense affects the substantial rights of the defendant, and such a failure is not cased by the statute of jeofails. State v. Cantrell (Mo.), 403 S.W.2d 647. (1973) Under statute of jeofails a conviction will not be set aside where an indictment was amended by prosecutor to change the charge returned by a grand jury to a lesser offense included therein. Hayes v. State (A.), 501 S.W.2d 508. (1974) Held that where name of defendant was set out in style of the indictment he was sufficiently identified. State v. Nelson (Mo.), 514 S.W.2d 581. (1976) Held that second degree murder is a lesser included offense of felony murder. See also for three judges' opinions to the contrary. State v. Williams (Mo.), 529 S.W.2d 883.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.040 - Indictments signed by whom.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.040. Indictments signed by whom. —Every indictment must be attributed to the prosecuting attorney, and when the grand jury returns*any indictment into the court the judge must examine it, and if the foreman has neglected to endorse it "a true bill", with his name affixed thereto, or if the prosecuting attorney has not affixed his or her name to the indictment, the court must cause the foreman to affix his or her name or the prosecuting attorney to affix his or her name, as the case may require. ---------- (RSMo 1939 § 3929, A.L. 1997 S.B. 248) Prior revisions: 1929 § 3540; 1919 § 3885; 1909 § 5093 *Word "return" appears in original rolls. CROSS REFERENCE: Proceedings before grand jury, Chap. 540

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.050 - Name of prosecutor on indictment, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.050. Name of prosecutor on indictment, when. —No indictment for any trespass against the person or property of another, not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the information and testimony of one or more grand jurors, or of some public officer in the necessary discharge of his or her duty. ---------- (RSMo 1939 § 3931, A.L. 1997 S.B. 248, A.L. 2009 H.B. 62 merged with H.B. 481) Prior revisions: 1929 § 3542; 1919 § 3887; 1909 § 5095

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.060 - Indictment to have name of prosecutor — by whom made — effect of failure.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.060. Indictment to have name of prosecutor — by whom made — effect of failure. —The name of the prosecutor must be affixed to such indictment; but no indictment shall be quashed for the want of affixing such name, if the same shall be made before the motion to quash is disposed of, and in no case shall the judgment be arrested or the trial discontinued after it has been commenced, for the want of such endorsement. ---------- (RSMo 1939 § 3932, A.L. 1997 S.B. 248) Prior revisions: 1929 § 3543; 1919 § 3888; 1909 § 5096

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.070 - Names of witnesses must be affixed to indictment.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.070. Names of witnesses must be affixed to indictment. —When an indictment is found by the grand jury, the names of all the material witnesses must be affixed to the indictment; other witnesses may be subpoenaed or sworn by the state, but no continuance shall be granted to the state on account of the absence of any witness whose name is not affixed to the indictment, unless upon the affidavit of the prosecuting attorney showing good cause for such continuance. ---------- (RSMo 1939 § 3933, A.L. 1997 S.B. 248) Prior revisions: 1929 § 3544; 1919 § 3889; 1909 § 5097

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.080 - Indictments, when not to be made public.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.080. Indictments, when not to be made public. —When any indictment shall be found against any person for a felony or misdemeanor, not being in actual confinement, or held by recognizance to answer thereto, such indictment shall not be open to the inspection of any person except the judge and clerk of the court and the prosecuting attorney; nor shall it be docketed or entered upon the minutes or records of the court until the defendant therein shall have been arrested. ---------- (RSMo 1939 § 3936) Prior revisions: 1929 § 3547; 1919 § 3892; 1909 § 5099 CROSS REFERENCE: Grand jury, penalty for disclosing evidence or indictments, 540.320

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.090 - Judges and others forbidden to disclose finding of indictment.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.090. Judges and others forbidden to disclose finding of indictment. —No judge, prosecuting attorney, or other officer of any court, shall disclose the fact of any such indictment being found until the defendant therein shall have been arrested or recognized to answer the same; and any person violating this provision shall be deemed guilty of a misdemeanor. ---------- (RSMo 1939 § 3937) Prior revisions: 1929 § 3548; 1919 § 3893; 1909 § 5100

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.100 - Officer may make disclosure, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.100. Officer may make disclosure, when. —Sections 545.080 and 545.090 shall not extend to any officer making any such disclosure by the issuing or in the execution of any process on such indictment, or in any other way, when it shall become necessary in the discharge of any official duty. ---------- (RSMo 1939 § 3938) Prior revisions: 1929 § 3549; 1919 § 3894; 1909 § 5101

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.110 - Second indictment suspends first, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.110. Second indictment suspends first, when. —If there be at any time pending against the same defendant two indictments for the same offense, or two indictments for the same matter, although charged as different offenses, the indictment first found shall be deemed to be suspended by such second indictment, and shall be quashed. ---------- (RSMo 1939 § 3939) Prior revisions: 1929 § 3550; 1919 § 3895; 1909 § 5102 (1954) An indictment is "found" within this section at the time it is returned into court and not at the time it is voted by the grand jury. State v. Brown, 364 Mo. 759, 267 S.W.2d 682.

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2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.130 - Different degrees of same offense may be incorporated.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.130. Different degrees of same offense may be incorporated. —When, by law, an offense comprises different degrees, an indictment may contain counts for the different degrees of the same offense, or for any of such degrees. ---------- (RSMo 1939 § 3941) Prior revisions: 1929 § 3552; 1919 § 3897; 1909 § 5104

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.140 - Two or more persons and offenses may be charged in same indictment, when — separate counts for each offense — all defendants need not be joined in each count — separate trials, when — substantial prejudice, defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.140. Two or more persons and offenses may be charged in same indictment, when — separate counts for each offense — all defendants need not be joined in each count — separate trials, when — substantial prejudice, defined. —1. Notwithstanding Missouri supreme court rule 24.06, two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count. 2. Notwithstanding Missouri supreme court rule 24.07, two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or infractions, or any combination thereof, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan. 3. Two or more defendants shall not be charged in the same indictment or information if substantial prejudice should result. For purposes of this section,"substantial prejudice"shall mean a bias or discrimination against one or more defendants or the state which is actually existing or real and not one which is merely imaginary, illusionary or nominal. 4. If two or more defendants are charged with being joint participants in a conspiracy charged under section 562.014, it shall be presumed that there is no substantial prejudice from them being charged in the same indictment or information or from them being tried together. ---------- (RSMo 1939 § 3942, A.L. 1984 S.B. 602, A.L. 2020 S.B. 600) Prior revisions: 1929 § 3553; 1919 § 3898; 1909 § 5105

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.150 - Indictments in relation to property belonging to several owners.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.150. Indictments in relation to property belonging to several owners. —When any offense shall be committed upon or in relation to any property belonging to several partners or owners, the indictment or information for such offense shall be deemed sufficient if it allege such property to belong to any one or more of such partners or owners, without naming all of them. ---------- (RSMo 1939 § 3943) Prior revisions: 1929 § 3554; 1919 § 3899; 1909 § 5106

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.160 - Venue, how stated.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.160. Venue, how stated. —It shall not be necessary to state any venue in the body of any indictment or information; but the county or other jurisdiction named in the margin thereof shall be taken to be the venue for all the facts stated in the body of the same. ---------- (RSMo 1939 § 3944) Prior revisions: 1929 § 3555; 1919 § 3900; 1909 § 5107

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.170 - Intent to injure or defraud, how charged.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.170. Intent to injure or defraud, how charged. —It shall be sufficient in any indictment for any offense where an intent to injure, cheat or defraud shall be necessary to constitute the offense, to allege that the defendant did the act with such intent, without alleging the intent of the defendant to be to injure, cheat or defraud any particular person; and on the trial of such offense, it shall not be necessary to prove an intent on the part of the defendant to injure, cheat or defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to injure, cheat or defraud. ---------- (RSMo 1939 § 4862) Prior revisions: 1929 § 4469; 1919 § 3710; 1909 § 4921 (1972) Although information charged that defendant tendered a no account check willfully, unlawfully and feloniously with intent to cheat and defraud a specific person, court held that it was sufficient to prove that defendant did the act charged with an intent to injure, cheat or defraud, and that such did not deny defendant due process of law. State v. Bywaters (Mo.), 476 S.W.2d 588.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.180 - Certain indictments, what designation sufficient.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.180. Certain indictments, what designation sufficient. —In any indictment for forging, uttering, stealing, embezzling, destroying or concealing, or for obtaining by color of any false token, writing, or false pretenses, any instrument or property, it shall be sufficient to describe such instrument or property by any name or

designation by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile thereof, or otherwise describing the same, or the value thereof. ---------- (RSMo 1939 § 3945) Prior revisions: 1929 § 3556; 1919 § 3901; 1909 § 5108

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.190 - Identification of counterfeiting equipment.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.190. Identification of counterfeiting equipment. —In any indictment for engraving or making the whole or any part of any instrument, matter or thing whatsoever, or for using or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter or thing by any name or designation by which the same may be usually known, without setting out any copy or facsimile of the whole or any part of such instrument, matter or thing. ---------- (RSMo 1939 § 3946) Prior revisions: 1929 § 3557; 1919 § 3902; 1909 § 5109

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.200 - Instruments, how described.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.200. Instruments, how described. —In all other cases, whenever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof. ---------- (RSMo 1939 § 3947) Prior revisions: 1929 § 3558; 1919 § 3903; 1909 § 5110

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.210 - Money or note, how described.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.210. Money or note, how described. —In every indictment in which it shall be necessary to make any averment as to any money or any note, being or purporting to be made or issued by any bank incorporated by law, or made or issued by virtue of any law of the United States, it shall be sufficient to describe such money or note simply as money, without specifying any particular coin or note; and such allegation shall be sustained by proof of any amount of coin, or of any such note, although the particular species of coin of which such amount was composed, or the particular nature of such note, shall not be proved; and in cases of larceny, embezzlement and obtaining money or such notes by false pretenses, by proof that the offender stole, embezzled or obtained any piece of coin, or any such note, or any portion of the value thereof, although such piece of coin or such note may have been delivered to him, in order that some part of the value thereof should be returned to the party delivering the same or to any other person, and such part shall have been returned accordingly. ---------- (RSMo 1939 § 3948) Prior revisions: 1929 § 3559; 1919 § 3904; 1909 § 5111

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.220 - Demurrer or motion to quash indictment must specify grounds.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.220. Demurrer or motion to quash indictment must specify grounds. —A demurrer to or motion to quash an indictment shall distinctly specify the grounds of objection to the indictment; unless it does so, it shall be disregarded, nor shall any reason be held to sustain such demurrer or motion not specified therein. ---------- (RSMo 1939 § 3949) Prior revisions: 1929 § 3560; 1919 § 3905; 1909 § 5112 CROSS REFERENCE: Appeal by state, when demurrer to indictment sustained, 547.210

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.230 - Indictment by wrong name.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.230. Indictment by wrong name. —If a defendant be indicted by the wrong name, unless he declare his true name before pleading, he shall be proceeded against by the name in the indictment. If he allege that another name is his true name, it must be entered in the minutes of the court; and after such entry, the trial and all other proceedings on the indictment shall be had against him by that name, referring also to the name by which he is indicted, in the same manner, in all respects, and with the same consequences as if he had been indicted by his true name. ---------- (RSMo 1939 § 3950) Prior revisions: 1929 § 3561; 1919 § 3906; 1909 § 5113 (1964) Court erred in sustaining motion to dismiss information on ground that name in information was fictitious where name used was alter ego of corporation and no claim was made that defendant was not the person informed against. City of St. Louis v. Capital Vending Co. (A.), 374 S.W.2d 519.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.240 - Informations — how filed, verified.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.240. Informations — how filed, verified. —Informations may be filed by the prosecuting attorney as informant during term time, or with the clerk in vacation, of the court having jurisdiction of the

offense specified therein. All informations shall state the name of the prosecuting attorney and be verified by his oath or by the oath of some person competent to testify as a witness in the case, or be supported by the affidavit of such person, which shall be filed with the information; the verification by the prosecuting attorney may be upon information and belief; all in the manner provided by supreme court rule. The names of the witnesses for the prosecution must be affixed to the information, in like manner and subject to the same restrictions as required in case of indictments. ---------- (RSMo 1939 § 3894, A.L. 1997 S.B. 248) Prior revisions: 1929 § 3504; 1919 § 3849; 1909 § 5057 CROSS REFERENCE: Misdemeanor prosecutions, Chap. 543 (1951) Where accused does not attack information by motion to quash, failure of assistant prosecuting attorney to sign it, is unavailing on appeal. State v. Taylor, 362 Mo. 676, 243 S.W.2d 301. (1951) Trial court has large discretion in granting leave to endorse names of witnesses on indictment at beginning of trial. State v. Farris (Mo.), 243 S.W.2d 983. (1960) Information signed by an assistant prosecuting attorney of Jackson County held sufficient. State v. Easley (Mo.), 338 S.W.2d 884. (1964) Where information is supported by affidavit of private individual that individual must have actual knowledge of the offense but verification of information by prosecuting attorney may be upon information and belief. State v. Statler (Mo.), 383 S.W.2d 534. (1967) It is only where the information is supported by the affidavit of a private individual that such person must have actual knowledge of the offense, and the prosecuting attorney may verify an information upon information and belief. State v. Crump (Mo.), 412 S.W.2d 490.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.250 - Who may make affidavit.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.250. Who may make affidavit. —When any person has knowledge of the commission of a crime, he may make his affidavit before any person authorized to administer oaths, setting forth the offense and the person or persons charged therewith, and file the same with the clerk of the court having jurisdiction of the offense, for the use of the prosecuting attorney, or deposit it with the prosecuting attorney, furnishing also the names of the witnesses for the prosecution; and it shall be the duty of the prosecuting attorney to file an information, as soon as practicable, upon said affidavit, as directed in section 545.240. ---------- (RSMo 1939 § 3895) Prior revisions: 1929 § 3505; 1919 § 3850; 1909 § 5058 (2015) Section does not authorize the Public Service Commission to order an electric utility to sell its street lights to municipality absent its consent. City of O'Fallon v. Union Electric Co., 462 S.W.3d 438 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.260 - Lost affidavit, how replaced.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.260. Lost affidavit, how replaced. —If the affidavit or information shall be lost or destroyed, the prosecuting attorney may file another, and the case shall proceed without any delay from that cause. ---------- (RSMo 1939 § 3897) Prior revisions: 1929 § 3507; 1919 § 3852; 1909 § 5060

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.270 - Form of information.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.270. Form of information. —An information filed in writing and as allowed by supreme court rule may be in the following form: ---------- (RSMo 1939 § 3896, A.L. 1997 S.B. 248) Prior revisions: 1929 § 3506; 1919 § 3851; 1909 § 5059

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.280 - Prosecuting witness, who deemed.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.280. Prosecuting witness, who deemed. —When the information is based on an affidavit filed with the clerk or delivered to the prosecuting attorney, as provided for in section 545.250, the person who made such affidavit shall be deemed the prosecuting witness, and in all cases in which by law an indictment is required to be endorsed by a prosecutor, the person who makes the affidavit upon which the information is based, or who verifies the information, shall be deemed the prosecutor; and in case the prosecution shall fail from any cause, or the defendant shall be acquitted, such prosecuting witness or prosecutor shall be liable for the costs in the case not otherwise adjudged by the court, but the prosecuting attorney shall not be liable for costs in any case. ---------- (RSMo 1939 § 3900) Prior revisions: 1929 § 3510; 1919 § 3855; 1909 § 5063 (1967) Court Rule 29.01 expands the requirement of section 545.280 and imposes the duty upon the court to advise a defendant, upon arraignment, of his right to counsel and upon request to appoint counsel for an indigent defendant. State v. Maxwell (Mo.), 411 S.W.2d 237.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.290 - Statute of jeofails applicable to proceedings by information.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.290. Statute of jeofails applicable to proceedings by information. —The statute of jeofails, as applicable to criminal pleadings and proceedings in prosecutions by indictment, shall apply to all proceedings in prosecutions by information; and any affidavit or information may be amended in matter of form or substance at any time by leave of court before the trial, and on the trial as to all matters of form and variance, at the discretion of the court, when the same can be done without prejudice to the substantial rights of the defendant, on the merits, and no amendment shall cause any delay of the

trial, except at the instance of the defendant for good cause shown by affidavit. ---------- (RSMo 1939 § 3898) Prior revisions: 1929 § 3508; 1919 § 3853; 1909 § 5061 (1951) Amendment of forgery information, after jury was sworn, to change date of offense from 13th of November to 14th, where check set out in information was dated "11-1449" held not erroneous. State v. Redding, 362 Mo. 39, 239 S.W.2d 494. (1953) Amendment of information in robbery prosecution after trial had commenced to allege that person upon whom assault was made was agent of owner and in possession of money, held a matter of form only and not erroneous. State v. Stidham (Mo.), 258 S.W.2d 620. (1960) The allowance of an amendment to a robbery information after close of state's case to charge that the amount taken from individual was $55 instead of $193 held proper where evidence showed that amount. State v. Clark (Mo.), 331 S.W.2d 588. (1971) Amendment of information during trial in burglary prosecution to allege offense occurred between 11 p.m., March 31, 1970, and 12:35 a.m., April 1, 1970, instead of on April 1, 1970, held within judge's discretion. State v. Fowler (Mo.), 473 S.W.2d 353. (1971) Defendant is not entitled to be released simply because the required number of terms have elapsed. He must show that he has demanded a trial and that such request was made without success for a reasonable length of time before his right to release is asserted. Failure to take affirmative action seeking speedy trial constitutes a waiver of that right and thus defendant's motion for discharge was correctly overruled. State v. Harper (Mo.), 473 S.W.2d 419.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.300 - Informations — amendment — substitution for defective indictment.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.300. Informations — amendment — substitution for defective indictment. —An information may be amended either as to form or substance at any time before the jury is sworn, but no such amendment shall be allowed as would operate to charge an offense different from that charged or attempted to be charged in the original information. If an indictment be held to be insufficient either as to form or substance, an information charging the same offense charged or attempted to be charged in such indictment may be substituted therefor at any time before the jury is sworn. No amendment of the information or substitution of an information for an indictment as herein provided shall cause a delay of the trial unless the defendant shall satisfy the court that such amendment or substitution has made it necessary that he have additional time in which to prepare his defense. ---------- (RSMo 1939 § 3953) Prior revision: 1929 § 3564 (1953) The right of the state to substitute an information for a defective indictment is intended to be exercised in the discretion of the prosecuting attorney and court has no power to control such discretion. State ex rel. Downs v. Kimberlin, 364 Mo. 215, 260 S.W.2d 552. (1956) Where conviction was had on information based on city ordinance which was repealed at time of alleged offense, appellate court could not remand case for trial on ordinance which was in effect at such time, where the later ordinance was not in evidence. City of St. Louis v. Vetter (A.), 293 S.W.2d 140. (1957) Order holding indictment insufficient held not necessary in order to permit substitution of information therefor. State v. Green (Mo.), 305 S.W.2d 863. (1958) It was not abuse of discretion for trial judge to permit amendment of information charging robbery in first degree so as to charge defendant also as a habitual criminal when the record did not evidence any bad faith on part of prosecuting attorney and the state had additional evidence to show three prior felony convictions and subsequent discharge therefor though the jury failed to convict defendant thereunder. State v. Whitaker (Mo.), 312 S.W.2d 34. (1966) Indictment cannot be amended by the court or the prosecuting attorney, but only by the grand jury which has returned it. State v. Holbert (A.), 399 S.W.2d 142.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.310 - Issuance of warrant — recognizance after arrest.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.310. Issuance of warrant — recognizance after arrest. —Upon the filing of the information, a warrant shall issue for the apprehension of the person charged with the offense, unless he be in custody or voluntarily surrender himself in custody of the court; and if such warrant be issued in term, it shall be made returnable forthwith; but if issued in vacation, it shall be made returnable at the next term thereafter; and if defendant be arrested during the term he shall be brought into court, but if he be arrested in vacation of the court, the officer making the arrest shall admit him to bail in a recognizance in any sum not less than one hundred dollars nor more than five hundred dollars, with good and sufficient sureties, to be approved by such officer, conditioned for the personal appearance of the defendant in the court in which the case is pending on the first day of the next term thereof, and not depart without leave, which recognizance shall be returned with the warrant and filed in the court; and in default of the prisoner to give such recognizance, he shall be committed to the jail of the county by the officer until the next term of court, or until he gives such recognizance, and if default be made in such recognizance, the same shall be adjudged forfeited, and shall be proceeded on as other recognizances in criminal cases. ---------- (RSMo 1939 § 3901) Prior revisions: 1929 § 3511; 1919 § 3856; 1909 § 5064

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.320 - Issuance of subpoenas for state witnesses.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.320. Issuance of subpoenas for state witnesses. —No subpoena for a witness in any criminal case shall be issued on the part of the state, unless the name of such witness be endorsed on the indictment or information, or the prosecuting attorney shall order the same to be issued, in writing, or the prosecutor shall file an affidavit that other witnesses ordered by him are positively necessary for a complete adjudication of the case; and no subpoena shall issue for any witness unless the defendant is in custody or on bail, or the clerk or associate circuit judge shall have good reason to believe that he will be apprehended. Subpoenas may be issued to different counties at the same time, but all the witnesses ordered at one time, and

living in the same county, shall be included in one subpoena. ---------- (RSMo 1939 § 4229) Prior revisions: 1929 § 3834; 1919 § 4177; 1909 § 5385 CROSS REFERENCE: Attendance of witnesses from without state, 491.400 to 491.450

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.330 - Issuance of subpoenas for defense witnesses.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.330. Issuance of subpoenas for defense witnesses. —The defendant shall be entitled to process for witnesses to be issued and directed to the sheriff of the county in which such witnesses may be; but all the witnesses in the same county shall be included in one subpoena, and no subsequent subpoena shall be issued for any witness, unless the court in which the cause is pending or the judge or associate circuit judge, shall for good cause shown, order a subpoena for another witness; or if, in absence of the judge, the defendant shall file with the clerk his affidavit that other witnesses ordered by him are material and positively necessary in his behalf, to a full and complete adjudication of the case, the clerk shall issue subpoenas for such witness. ---------- (RSMo 1939 § 4231) Prior revisions: 1929 § 3836; 1919 § 4179; 1909 § 5387 CROSS REFERENCES: Compulsory process for witnesses, right of defendant, Const. Art. I § 18 Habeas corpus ad testificandum in criminal cases generally, 491.230 to 491.270

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.340 - Disobedience to subpoena, how punished.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.340. Disobedience to subpoena, how punished. —Disobedience to any such subpoena shall be punished in the same manner and upon like proceedings as provided by law in civil cases; and every delinquent witness shall be liable to the party at whose instance he was summoned, in the same manner and to the same extent as in cases of witnesses summoned in a civil suit. ---------- (RSMo 1939 § 4008) Prior revisions: 1929 § 3619; 1919 § 3962; 1909 § 5169 CROSS REFERENCE: Attendance of witness, how enforced, 491.140 to 491.170, 491.190

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.350 - Tender of fees not necessary.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.350. Tender of fees not necessary. —It shall not be necessary to pay or tender any fees whatever to any witness summoned on the part of the state or on the part of the defendant, but such witness shall be bound to attend and be liable for his nonattendance in the same manner as if the fees allowed to witness had been duly paid to him. ---------- (RSMo 1939 § 4009) Prior revisions: 1929 § 3620; 1919 § 3963; 1909 § 5170

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.360 - Law governing witnesses in civil cases to apply.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.360. Law governing witnesses in civil cases to apply. —The provisions of law in civil cases, relative to compelling the attendance and testimony of witnesses, their examination, the administration of oaths and affirmations and proceedings as for contempt, to enforce the remedies and protect the rights of parties, shall extend to criminal cases so far as they are in their nature applicable thereto, subject to the provisions contained in any statute. ---------- (RSMo 1939 § 4069) Prior revisions: 1929 § 3680; 1919 § 4024; 1909 § 5230

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.370 - Witness to attend until end of case — consequences of failure to so attend.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.370. Witness to attend until end of case — consequences of failure to so attend. —Whenever a witness in a criminal case has been once subpoenaed or recognized to appear before any division of the circuit court, he shall attend under the same as such witness, from time to time, and from term to term, until the case be disposed of, or he be finally discharged by the court; and he shall be liable to attachment for any default or failure to appear as such witness, and adjudged to pay the costs and such fine as the court may properly impose; and no costs shall be allowed for any subsequent recognizance or subpoena for any such witness. ---------- (RSMo 1939 § 4234, A.L. 1985 S.B. 5, et al.) Prior revisions: 1929 § 3839; 1919 § 4182; 1909 § 5390

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.380 - Defense witnesses — commission to take deposition, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.380. Defense witnesses — commission to take deposition, when. —When any issue of fact is joined in any criminal case, and any material witness for the defendant resides out of the state, or residing within the state, is enceinte, sick or infirm, or is bound on a voyage or is about to leave this state, or is confined in prison under sentence for a felony, such defendant may apply to the court, or judge thereof, in which the cause is pending, for a commission to examine such witness upon interrogatories thereto annexed, and such court may grant the same upon the like proof and on the like terms as provided by law in civil cases. The court, or judge thereof, granting such commission, may permit the officer prosecuting for the state to join in such commission. The deposition of any witness confined in prison under sentence for a felony shall be taken where such witness is confined. ---------- (RSMo 1939 § 4010) Prior revisions: 1929 § 3621; 1919 § 3964;

1909 § 5171

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.390 - Depositions to be taken and read as in civil cases.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.390. Depositions to be taken and read as in civil cases. —Interrogatories to be annexed to such commission shall be settled and such commission shall be issued, executed and returned in the manner prescribed by law in respect to commissions in civil cases, and the depositions taken thereon and returned shall be read in like cases and with the like effect as in civil suits. ---------- (RSMo 1939 § 4011) Prior revisions: 1929 § 3622; 1919 § 3965; 1909 § 5172 CROSS REFERENCE: Depositions in civil cases, Chap. 492

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.400 - Conditional examination of witnesses.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.400. Conditional examination of witnesses. —The defendant in any criminal cause may also have witnesses examined on his behalf, conditionally, upon a commission issued by the clerk of the court in which the cause is pending, in the same cases and upon the like notice to the prosecuting attorney, with the like effect and in all respects as is provided by law in civil suits; provided, that the notice in such case to the prosecuting attorney shall state the name or names of the witness or witnesses whose depositions are desired or will be taken. ---------- (RSMo 1939 § 4012) Prior revisions: 1929 § 3623; 1919 § 3966; 1909 § 5173 (1959) Supreme court rule 25.10 does not authorize taking of depositions after filing of felony complaint but before preliminary hearing since case is not pending until information is filed or indictment is returned. State ex rel. Woods v. Ratliff (Mo.), 322 S.W.2d 864. (1964) There is no statutory authority for court order requiring payment by the state of the costs of the taking of depositions on behalf of defendant in criminal proceedings. Failure to furnish free depositions is not a violation of defendant's constitutional rights. State v. Aubachon (Mo.), 381 S.W.2d 807.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.410 - Duty of prosecuting attorney in taking depositions.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.410. Duty of prosecuting attorney in taking depositions. —When any prosecuting attorney shall be notified of the taking of any deposition, as specified in section 545.400, it shall be his duty to attend the taking thereof if the same shall be taken in his county, but if in any other county in this state, he shall immediately notify the prosecuting attorney of the county where such deposition is to be taken, giving him such information as will enable him to represent the state at the taking of the same; and it is hereby made the duty of such prosecuting attorney, upon receiving such information, to attend the taking thereof in behalf of the state. If any such deposition be taken out of the state, the prosecuting attorney may employ counsel to attend and represent the state at the taking of the same, at a fee not to exceed ten dollars for the first witness examined, and one dollar for each additional witness examined, which fee shall be taxed and paid as other costs in the case. ---------- (RSMo 1939 § 4013) Prior revisions: 1929 § 3624; 1919 § 3967; 1909 § 5174

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.415 - Criminal cases, prosecutors and circuit attorneys may take depositions of any person, procedure — prisoners deposed, where.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.415. Criminal cases, prosecutors and circuit attorneys may take depositions of any person, procedure — prisoners deposed, where. —Beginning July 1, 1995, a prosecuting or circuit attorney in any criminal case pending in any court may obtain the deposition of any person on oral examination. The manner of taking such depositions shall be governed by the rules relating to the taking of depositions in civil actions. The depositions of any person confined in prison shall be taken where such person is confined. ---------- (L. 1994 S.B. 693) Effective 1-01-95

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.420 - Indictment against judge to be removed to another circuit.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.420. Indictment against judge to be removed to another circuit. —Whenever any indictment or prosecution for a criminal offense shall be pending in any court, against the judge thereof, the same shall be removed to the circuit court of some county in a different circuit, upon the order in writing of the prosecuting attorney, or upon the order of any judge of the supreme court. ---------- (RSMo 1939 § 4014) Prior revisions: 1929 § 3625; 1919 § 3968; 1909 § 5175

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.430 - Change of venue may be granted defendant.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.430. Change of venue may be granted defendant. —Any criminal cause pending in any circuit court may be removed, by the order of such court or the judge thereof, to the circuit court of another county in the same circuit, whenever it shall appear, in the manner provided in section 545.490, that the minds of the inhabitants of the county in which the cause is pending are so prejudiced against the defendant that a fair trial cannot be had therein. ---------- (RSMo 1939 §

4015) Prior revisions: 1929 § 3626; 1919 § 3969; 1909 § 5176 CROSS REFERENCES: Division of county, how pending prosecution conducted, 47.330 Prosecution begun in wrong county, case to be transferred, procedure, 541.120 to 541.150 (1952) No change of venue or right to disqualify judge exists in a criminal contempt case. Osborne v. Purdome (Mo.), 250 S.W.2d 159.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.440 - Change of venue in counties where court held at more than one place.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.440. Change of venue in counties where court held at more than one place. —In all counties in this state wherein terms of courts having criminal jurisdiction are held at more places than one, and provision has been made by law for the taking of changes of venue in criminal causes from one of such places to another, in all such cases, applications for changes of venue shall be subject to the same rules as to practice and proof as are now prescribed by law for the taking of changes of venue in criminal causes from one county or circuit to another. ---------- (RSMo 1939 § 4016) Prior revisions: 1929 § 3627; 1919 § 3970; 1909 § 5177

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.450 - When case may be removed to another circuit.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.450. When case may be removed to another circuit. —Whenever it shall appear, in the manner provided in section 545.490, that the inhabitants of the entire circuit are so prejudiced against the defendant that a fair trial cannot be had therein, the cause shall, by order of the court or judge thereof, be removed to another circuit, in which such prejudice is not alleged to exist. ---------- (RSMo 1939 § 4017) Prior revisions: 1929 § 3628; 1919 § 3971; 1909 § 5178 (1963) Defendant may not allege in his application that prejudice exists in multiple circuits. State v. Brookshire (Mo.), 368 S.W.2d 373.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.460 - Removal to be made on application of defendant.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.460. Removal to be made on application of defendant. —Such order of removal, as specified in sections 545.440 and 545.450, shall be made on the application of the defendant, or where the defendant is under the age of sixteen, then on the application of the parent or guardian of such defendant, or if such defendant has no parent or guardian, then on the application of any respectable citizen of the county where the cause is at issue. ---------- (RSMo 1939 § 4018) Prior revisions: 1929 § 3629; 1919 § 3972; 1909 § 5179

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.470 - Application for change of venue, when made.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.470. Application for change of venue, when made. —No order for the removal of any cause shall be made on the application of the defendant for the causes specified in sections 545.430 and 545.450, unless such application be made during the term of the court at which the indictment is found; provided, said defendant be in custody or on recognizance, and if not so in custody or held to bail, then the application may be made at or before the first term after the defendant shall have been arrested, and not thereafter except as provided for in section 545.480. ---------- (RSMo 1939 § 4021) Prior revisions: 1929 § 3632; 1919 § 3975; 1909 § 5182

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.473 - Cole County, change of venue, procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.473. Cole County, change of venue, procedure. —1. Notwithstanding Missouri supreme court rule 32.03, a defendant with a case filed in a county with department of corrections centers with a total average yearly offender population in excess of two thousand persons shall follow the procedure listed in subsections 2 to*5 of this section in order to obtain a change of venue for misdemeanors or felonies. 2. Upon written application of the defendant, a change of venue may be ordered in any criminal proceeding for the following reasons: (1) That the inhabitants of the county are prejudiced against the defendant; or (2) That the state has an undue influence over the inhabitants of the county. 3. In felony cases, the application must be filed not later than thirty days after arraignment. In misdemeanor cases, the application must be filed not later than ten days before the date set for trial. 4. A copy of the application and a notice of the time when it will be presented to the court shall be served on all parties. 5. The application shall set forth the reason or reasons for change of venue. It need not be verified and shall be signed by the defendant or his attorney. 6. The state may, within five days after the filing of the application for a change of venue, file a denial of the existence of the reason or reasons alleged in the application. Such denial need not be verified. If a denial is filed, the court shall hear evidence and determine the issues. If the issues are determined in favor of the defendant, or if the truth of the grounds alleged is within the knowledge of the court, or if no denial is filed, a change of venue shall be ordered to some other county convenient to the parties and where the reason or reasons do not exist. ---------- (L. 1986 S.B. 450 § 2, A.L. 1995 H.B. 424) *Word "through" appears in original rolls.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.480 - Additional affidavit, when made.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.480. Additional affidavit, when made. —If the defendant will, in addition to the oath requisite in ordinary and timely applications, swear that the facts on which he grounds his application have first come to his knowledge since the last preceding continuance of the cause, the court may grant a change of venue, although such application be made at a term subsequent to that at which the prisoner was likely to be arraigned. ---------- (RSMo 1939 § 4022) Prior revisions: 1929 § 3633; 1919 § 3976; 1909 § 5183

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.490 - Petition for change of venue must be proved and may be rebutted.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.490. Petition for change of venue must be proved and may be rebutted. —The petition of the applicant for a change of venue shall set forth the facts or grounds upon which such change is sought, and such petition shall be supported by the affidavit of petitioner and the affidavit of at least two credible disinterested citizens of the county where said cause is pending and the truth of the allegations thereof shall be proved, to the satisfaction of the court, by legal and competent evidence, and the prosecuting attorney may in such case offer evidence in rebuttal of that submitted in support of such application; the court, or judge in vacation, shall fix the number of witnesses for which the state or county may be liable; provided, in all cases in counties in this state which now have or may hereafter have a population of less than seventy-five thousand inhabitants if such petition for change of venue is supported by the affidavits of five or more credible disinterested citizens residing in different neighborhoods of the county where said cause is pending, then the court or judge in vacation, shall grant such change of venue, as of course, without additional proof; provided further, that reasonable previous notice of such application shall in all cases be given to the prosecuting attorney; and provided further, that if the facts alleged as the ground of the application be within the knowledge of the court or judge, he may order such removal of the cause without any formal proof or the filing of affidavit; and provided further, that if the application shall allege prejudice of the inhabitants of more than one county in the circuit in which the case is pending, the court may, upon proof of the allegations as herein provided for, order the case sent to some county in the same or some other circuit where such causes do not exist. ---------- (RSMo 1939 § 4019) Prior revisions: 1929 § 3630; 1919 § 3973; 1909 § 5180 (1955) Where affidavit for change of venue, directed against inhabitants of both H. and O. counties, and filed in H. County, was sustained as to H. but overruled as to O. County and case was sent to O. County, it was held that court properly found from evidence that failure to give notice of application as to prejudice in O. County was not waived. State v. Atkinson (Mo.), 285 S.W.2d 563. (1963) Defendant may not allege in his application that prejudice exists in multiple circuit. State v. Brookshire (Mo.), 368 S.W.2d 373. (1963) Court did not abuse its discretion in overruling application for change of venue from Jasper County to Lawrence County in forcible rape case where record did not show that case was not as fully reported by newspapers, television, and radio in Lawrence County and throughout the state as in Jasper County and did not show bias and prejudice of inhabitants of Jasper County. State v. Odom (Mo.), 369 S.W.2d 173. (1965) Affidavits alleging defendant would not receive a fair trial in county must state facts and not mere conclusions. State v. Martin (Mo.), 395 S.W.2d 97.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.500 - Order for removal shall specify what.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.500. Order for removal shall specify what. —Every order for the removal of any cause under the foregoing provisions shall state whether the same is made on the application of the party, or on facts within the knowledge of the court or judge, and shall specify the cause of removal and designate the county to which the cause is removed. ---------- (RSMo 1939 § 4020) Prior revisions: 1929 § 3631; 1919 § 3974; 1909 § 5181

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.510 - Order for removal, where entered.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.510. Order for removal, where entered. —Every order for the removal of a cause, if made in term, shall be entered on the minutes; if made by an officer out of court, shall be in writing and signed by such officer, and shall be filed by the clerk with the petition, if any, as a part of the record in the cause. ---------- (RSMo 1939 § 4023) Prior revisions: 1929 § 3634; 1919 § 3977; 1909 § 5184

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.520 - Recognizance to be given.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.520. Recognizance to be given. —When such order shall be made, the defendant, if not in confinement or custody, shall enter into a recognizance, with sufficient sureties, for his appearance to answer the charge in the court to which the cause is to be removed, at the next term thereof, and from day to day, and term to term thereafter, and to abide sentence and judgment therein and not to depart such court without leave. ---------- (RSMo 1939 § 4024) Prior revisions: 1929 § 3635; 1919 § 3978; 1909 § 5185

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.530 - Who may take recognizance.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.530. Who may take recognizance. —Such recognizance may be taken

by the court or judge making the order, or by any court or officer authorized by law to let to bail after indictment, and when taken out of the court in which the cause is pending, shall be filed with the clerk thereof. ---------- (RSMo 1939 § 4025) Prior revisions: 1929 § 3636; 1919 § 3979; 1909 § 5186

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.540 - Order for removal void, unless bail given.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.540. Order for removal void, unless bail given. —No order for the removal of a cause shall be effectual in the case of any defendant not in confinement or custody, unless a recognizance, taken as herein directed, be entered into in open court, or delivered with the order and filed with the clerk of the court, nor unless such order be delivered before any juror is sworn in the cause; and in no case shall a second removal of any cause be allowed. ---------- (RSMo 1939 § 4026) Prior revisions: 1929 § 3637; 1919 § 3980; 1909 § 5187

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.550 - Defendant in custody, to be removed, when — which county jail to house defendant.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.550. Defendant in custody, to be removed, when — which county jail to house defendant. —1. If the defendant be in actual custody or confinement, the court or officer granting the order of removal shall, subject to any arrangements made pursuant to subsection 2 of this section, also make an order commanding the sheriff to remove the body of the defendant to the jail of the county into which the cause is to be removed, and then deliver him to the keeper of such jail, together with the warrant or process, by virtue of which he is imprisoned or held. 2. The sheriff of the county granting the change of venue and the sheriff of the county into which the cause is removed may agree as to which county's jail will house the defendant. If the sheriffs do not agree where the defendant will be confined, the defendant will be confined in the county into which the cause is removed. In the event that the county granting the change of venue continues to house the defendant, the sheriff of that county shall be responsible for the timely transportation of the defendant for all court appearances that require the presence of the defendant. ---------- (RSMo 1939 § 4027, A.L. 2005 H.B. 353 merged with S.B. 210 merged with S.B. 420 & 344) Prior revisions: 1929 § 3638; 1919 § 3981; 1909 § 5188

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.560 - Duty of sheriff.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.560. Duty of sheriff. —The sheriff shall obey such order without unnecessary delay, and shall endorse on the commitment or process by virtue of which the prisoner was in his custody, the reason of the change of custody, and shall deliver such warrant, with the prisoner, to the keeper of the jail of the proper county, who shall give such sheriff a receipt therefor and take charge of and keep the prisoner in the same manner as if he had been originally committed to such jail. ---------- (RSMo 1939 § 4028) Prior revisions: 1929 § 3639; 1919 § 3982; 1909 § 5189

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.570 - In case of removal, transcript of record to be made.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.570. In case of removal, transcript of record to be made. —Whenever any order shall be made for the removal of any cause, under the foregoing provisions, the clerk of the court in which the same is pending shall make out a full transcript of the record and proceedings in the cause, including the order of removal, the petition therefor, if any, and the recognizance of the defendant and of all witnesses, and shall transmit the same, duly certified under the seal of the court, to the clerk of the court to which the removal is ordered. ---------- (RSMo 1939 § 4029) Prior revisions: 1929 § 3640; 1919 § 3983; 1909 § 5190

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.580 - Transcript to be filed.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.580. Transcript to be filed. —On the receipt of such transcript by the clerk of the court to which any cause is removed, he shall file the same as a record of his court, and the same proceedings shall be had in the cause in such court, in the same manner and in all respects as if the same had originated therein. ---------- (RSMo 1939 § 4030) Prior revisions: 1929 § 3641; 1919 § 3984; 1909 § 5191

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.590 - Lost transcript may be replaced.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.590. Lost transcript may be replaced. —If such transcript shall not be transmitted, or shall not be received at or before the first term of the court to which the cause is ordered to be removed, or if such transcript shall be lost or destroyed, the cause shall not by reason thereof be discontinued, but such transcript, or another in lieu thereof, may be transmitted and filed, as required by this chapter, at or before the next succeeding term of such court, and proceedings thereon shall be had as if no such failure or loss had happened. ---------- (RSMo 1939 § 4031) Prior revisions: 1929 § 3642; 1919 § 3985; 1909 § 5192 CROSS REFERENCE: Supplying lost or destroyed court records, generally, 109.160, 109.170

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.600 - Witnesses to attend trial in cases of removal.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.600. Witnesses to attend trial in cases of removal. —The defendant and all witnesses and others who shall have entered into any recognizance to attend the trial of such cause, having notice of the removal thereof, shall be bound to attend at the time and place of trial, in the county to which the cause is removed, and a failure to do so shall be deemed a breach of recognizance. ---------- (RSMo 1939 § 4032) Prior revisions: 1929 § 3643; 1919 § 3986; 1909 § 5193

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.610 - In case of removal, when notice to be given.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.610. In case of removal, when notice to be given. —When the order of removal is made in term, it shall be deemed a notice to every person who shall have entered into a recognizance to appear at such term; in other cases the notice shall be in writing, signed by the prosecuting attorney or clerk of the court, and served on the person so recognized, in the manner provided by law for serving notices. ---------- (RSMo 1939 § 4033) Prior revisions: 1929 § 3644; 1919 § 3987; 1909 § 5194

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.620 - Costs, how taxed and paid.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.620. Costs, how taxed and paid. —The costs and expenses necessarily incurred in the removal of any such cause under the foregoing provisions shall be adjusted and allowed by the court wherein the cause is tried, and shall be taxed as other costs in such cause. ---------- (RSMo 1939 § 4034) Prior revisions: 1929 § 3645; 1919 § 3988; 1909 § 5195 CROSS REFERENCE: Change of venue, costs of, 550.120

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.630 - Clerk, when liable to civil action.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.630. Clerk, when liable to civil action. —If any clerk of the court shall neglect or refuse to perform any duty in relation to the removal of a cause enjoined on him by the foregoing provisions, he shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered by civil action, in the name and to the use of the state. ---------- (RSMo 1939 § 4035) Prior revisions: 1929 § 3646; 1919 § 3989; 1909 § 5196

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.640 - Change of venue for one not to affect other defendants.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.640. Change of venue for one not to affect other defendants. —Where there are several defendants in any indictment or criminal prosecution and the cause of the removal thereof exists only as to part of them, the other defendants shall be tried and all proceedings had against them, in the county in which the case is pending, in all respects as if no order of removal had been made as to any defendant. ---------- (RSMo 1939 § 4036) Prior revisions: 1929 § 3647; 1919 § 3990; 1909 § 5197

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.650 - Change of venue and disqualification of judges in multiple-judge circuits.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.650. Change of venue and disqualification of judges in multiple-judge circuits. —In all circuits composed of a single county having more than one judge, no change of venue shall be allowed by said circuit court to the circuit court of any other county in this state for the cause that the judge sitting for the trial of said suit is prejudiced, nor for the cause that the opposite party has undue influence over the judge, but if any such legal objection is made to the judge assigned to try any case, then such case shall be transferred to another division of said circuit court presided over by a different judge. Only one such application shall be made by the same party in the same case, and shall be made as to only one of the judges of said court. ---------- (RSMo 1939 § 2232, A. 1949 H.B. 2142) Prior revisions: 1929 § 2130; 1919 § 2633; 1909 § 4166

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.660 - When judge deemed incompetent to try case.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.660. When judge deemed incompetent to try case. —When any indictment or criminal prosecution shall be pending in any circuit court or criminal court, the judge of said court shall be deemed incompetent to hear and try said cause in either of the following cases: (1) When the judge of the court in which said case is pending is near of kin to the defendant by blood or marriage; or (2) When the offense charged is alleged to have been committed against the person or property of such judge, or some person near of kin to him by blood or marriage; or (3) When the judge is in any wise interested or prejudiced, or shall have been counsel in the cause; or (4) When the defendant shall make and file an affidavit, supported by the affidavit of at least two reputable persons, not of kin to or counsel for the defendant, that the judge of the court in

which said cause is pending will not afford him a fair trial. ---------- (RSMo 1939 § 4037) Prior revisions: 1929 § 3648; 1919 § 3991; 1909 § 5198 (1963) Section held not to disqualify judge from receiving indictment of defendant for assault and beating of judge's daughter with intent to rape. State v. Selle (Mo.), 367 S.W.2d 522.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.690 - Another circuit judge may sit, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.690. Another circuit judge may sit, when. —If, in any case, the judge shall be incompetent to sit for any of the causes mentioned in section 545.660, the judge of the court shall set the case down for trial on some day of the term and notify and request another circuit judge to try the case. The judge so requested shall appear and hold the court at the time appointed for the trial of the case; and he shall, during the trial of the case, possess all the powers and perform all the duties of the judge at a regular term of the court, and may adjourn the case from day to day, or to some other time, as the exigencies of the case may require, and may grant a change of venue in the case to the circuit court of another county in the same circuit, or to another circuit. When the cause is removed to the circuit court of another county in the same circuit, the judge so requested shall appear and hold the court at the time set for the trial of the case in the circuit court of the county to which the case is removed. If the judge so requested fails to appear and hold the court at the time appointed for the trial of the case, the judge of the court shall reset the case for trial to suit the convenience of the judge so requested to try the case, or may notify and request the judge of some other circuit to appear and try the cause as heretofore provided. Should the judge so requested fail to appear and hold the court at the time appointed for the trial of the case, the judge of the court shall order a change of venue in the case to some other circuit. The order shall be in writing, and the judge shall file the order with the clerk of the court in which the cause is pending. ---------- (RSMo 1939 § 4040, A.L. 1961 p. 337) Prior revisions: 1929 § 3651; 1919 § 3994; 1909 § 5201

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.700 - Adjourned term held, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.700. Adjourned term held, when. —When any cause is set down for trial in vacation, as directed in section 545.690, the judge shall adjourn the term to that day, at which time an adjourned term of said court may be held for the trial of the cause; and the court shall notify or recognize the witnesses in the cause to appear at the time set for the trial thereof, and their attendance may be compelled by attachment, as in other cases. ---------- (RSMo 1939 § 4041) Prior revisions: 1929 § 3652; 1919 § 3995; 1909 § 5202

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.710 - Continuances, when and how granted.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.710. Continuances, when and how granted. —Continuances may be granted to either party in criminal cases for good cause shown, and the court may postpone the trial of any such case for good and sufficient reasons, of its own motion. When a continuance is allowed on the application of either party, it shall be at the costs of the party at whose instance it is granted, unless the court otherwise direct. ---------- (RSMo 1939 § 4042) Prior revisions: 1929 § 3653; 1919 § 3996; 1909 § 5203 CROSS REFERENCE: Continuance when counsel is member of general assembly, 510.120

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.720 - Contents of affidavit.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.720. Contents of affidavit. —A motion to continue a cause on the part of the defendant on account of the absence of evidence must be supported by the oath or affidavit of the defendant or some reputable person in his behalf, showing the materiality of the evidence expected to be obtained, and that due diligence has been used to obtain it, and where the evidence may be; and if it is for an absent witness, the affidavit must give his name, and show where he resides or may be, and the probability of procuring his testimony, and within what time, and what facts he believes the witness will prove, and that he believes them to be true, and that he is unable to prove such facts by any other witness whose testimony can be as readily procured, and that the witness is not absent by the connivance, procurement or consent of the defendant, and what diligence, if any, has been used in the premises by the defendant, and that the application is not made for vexation or delay merely, but to obtain substantial justice on the trial of the cause. ---------- (RSMo 1939 § 4043) Prior revisions: 1929 § 3654; 1919 § 3997; 1909 § 5204 (1952) Where defendant did not comply in writing with the provisions of this section, court did not err in refusing continuance. State v. Abbott (Mo.), 245 S.W.2d 876. (1952) Application for continuance which did not show what diligence was exercised to obtain witness' testimony nor the probability and time of procuring same and which failed to state that affiant believed the facts to which witness would testify, were true, held insufficient. State v. Bockman (Mo.), 251 S.W.2d 607.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.730 - Continuances on behalf of state, how obtained.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.730. Continuances on behalf of state, how obtained. —If the application for a continuance is by the state, the prosecuting attorney shall state in writing, under his oath of office, and according to his best information and belief, the same facts required to be stated in the affidavit of the defendant. ---------- (RSMo 1939 § 4044) Prior

revisions: 1929 § 3655; 1919 § 3998; 1909 § 5205

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.740 - Witnesses to enter into recognizance, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.740. Witnesses to enter into recognizance, when. —Whenever a criminal case shall be continued, all the witnesses in attendance shall be called by the court, and as many of them as the parties may desire shall be required to enter into recognizance for their appearance on the day of the next term on which such case shall be set for trial, which day shall be fixed and designated by the court at the time the continuance is granted; and if any such witness shall fail to appear in said court when so called, for the purpose of being recognized, such witness shall forfeit all his fees as witness in such cause, and may be compelled to appear by attachment. ---------- (RSMo 1939 § 4045) Prior revisions: 1929 § 3656; 1919 § 3999; 1909 § 5206

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.780 - Speedy trial, when — what constitutes — failure to comply not grounds for dismissal, exception.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.780. Speedy trial, when — what constitutes — failure to comply not grounds for dismissal, exception. —1. If defendant announces that he is ready for trial and files a request for a speedy trial, then the court shall set the case for trial as soon as reasonably possible thereafter. 2. The provisions of this section shall be enforceable by mandamus. Neither the failure to comply with this section nor the state's failure to prosecute shall be grounds for the dismissal of the indictment or information unless the court also finds that the defendant has been denied his constitutional right to a speedy trial. ---------- (RSMo 1939 § 4000, A.L. 1977 H.B. 241, A.L. 1984 S.B. 602, A.L. 1986 H.B. 1158) Prior revisions: 1929 § 3611; 1919 § 3954; 1909 § 5161 CROSS REFERENCE: Trial of convict in prison on request required, when, 217.460

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.790 - Cause continued, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.790. Cause continued, when. —If any person indicted for a criminal offense abscond or flee from justice, or cannot be found to be served with process, or, being let to bail, shall not appear according to the condition of the recognizance, the cause may be continued from term to term, without issuing process on the indictment; and such process may be issued at any time on the application of the prosecuting attorney. ---------- (RSMo 1939 § 3958) Prior revisions: 1929 § 3569; 1919 § 3912; 1909 § 5119

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.800 - Copy of indictment or information furnished accused on request.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.800. Copy of indictment or information furnished accused on request. —Whenever an indictment is found, or an information filed, in a court of record, it shall be the duty of the clerk, upon the request of the defendant therein, to make out and deliver to him a copy of such indictment or information with all endorsements thereon. ---------- (RSMo 1939 § 4001) Prior revisions: 1929 § 3612; 1919 § 3955; 1909 § 5162 (1963) Trial court's action in overruling defendant's objection to going to trial on grounds that he had not been served with copy of information made before the voir dire examination but after plea of not guilty had been entered was not error as objection came too late and defendant had had reasonable time to prepare defense. State v. Sawyer (Mo.), 367 S.W.2d 585.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.810 - Defendant granted reasonable time to plead.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.810. Defendant granted reasonable time to plead. —The defendant in an indictment or information in a court of record, shall not be required to plead thereto until he shall have had a reasonable time in which to examine the same and to prepare his pleading. ---------- (RSMo 1939 § 4002) Prior revision: 1929 § 3613

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.820 - Court shall assign prisoner counsel, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.820. Court shall assign prisoner counsel, when. —If any person about to be arraigned upon an indictment for a felony be without counsel to conduct his defense, and be unable to employ any, it shall be the duty of the court to assign him counsel, at his request, not exceeding two, who shall have free access to the prisoner at all reasonable hours. ---------- (RSMo 1939 § 4003) Prior revisions: 1929 § 3614; 1919 § 3957; 1909 § 5164 (1956) Defendant is not entitled to more than one court appointed attorney and trial court has discretion as to whether more than one shall be appointed. State v. Lord (Mo.), 286 S.W.2d 737. (1957) Eighteen-year-old defendant who was stranger in county who entered plea of guilty to charge of robbery in first degree by means of dangerous and deadly weapon, a capital offense, held denied due process of law where court did not appoint counsel to conduct his defense even though he did not request counsel. Edwards v. Nash (A.), 303 S.W.2d 211. (1958) Defendant held to have waived right to be represented by counsel and to have been capable of doing so. State v. Glenn (Mo.), 317 S.W.2d 403; Cert. den. 358 U.S. 942, 79 S.Ct. 348. (1961) Where individual, convicted and given life sentence in the penitentiary,

filed a motion under supreme court rule 27.26 alleging that he had no counsel when he pleaded to the offense and the circuit court made no inquiry as to whether he had counsel or could obtain counsel and also that he was uneducated and without experience or knowledge of the law, it was error for the court to dismiss the motion without a hearing on the ground that a prior proceeding had been instituted in the court. State v. Moreland (Mo.), 351 S.W.2d 33. (1963) Since there was no showing that defendant by reason of age, ignorance or mental incapacity was unable to make an intelligent decision as to need for counsel he had effectively waived his right to be represented by counsel when he declined to employ an attorney or have one appointed to defend him. State v. Rickard (Mo.), 364 S.W.2d 561. (1966) Procedure prior to 1964 whereby trial court was authorized in its discretion to appoint counsel to represent defendant on appeal or to leave defendant to prosecute appeal on his own failed to afford indigent defendant equal protection of the law. Bosler v. Swenson, 363 F.2d 154. Affirmed 87 S.Ct. 996. (1966) Arraignment is a critical stage in a criminal proceeding requiring the appointment of counsel not only in homicide cases but upon arraignment for any felony. State v. Scott (Mo.), 404 S.W.2d 699. (1966) Appointment of counsel is required at arraignment at request of person charged with felony. State v. Scott (Mo.), 404 S.W.2d 699. (1967) Court's compelling defendant of limited education to go on trial for felony without counsel immediately upon the withdrawal without notice of his employed counsel resulted in a denial of due process of law. State v. Martin (Mo.), 411 S.W.2d 215. (1967) The decision of United States Supreme Court in Douglas v. California that an indigent defendant is entitled to appointed counsel on state appeal applied retrospectively to the case of an indigent prisoner whose conviction was affirmed when he was not represented by counsel. Swenson v. Donnell (A.), 382 F.2d 248. (1968) Failure to furnish counsel to accused during interrogation before confession at a time before decision in Escobedo case was not so prejudicial as to infect the subsequent trial with an absence of fundamental fairness. Howard v. Swenson (A.), 404 F.2d 469. (1971) After September 1, 1972, attorneys no longer required to furnish legal service gratuitously to indigent accused. State v. Green (Mo.), 470 S.W.2d 571.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.830 - Dilatory pleas, when entertained.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.830. Dilatory pleas, when entertained. —No plea in abatement or other dilatory plea to an indictment or information shall be received by any court, unless the party offering such plea shall prove the truth thereof by affidavit or some other evidence. ---------- (RSMo 1939 § 4005) Prior revisions: 1929 § 3616; 1919 § 3959; 1909 § 5166 (1954) Plea in abatement in criminal prosecution based on stated conclusions that defendant had been compelled to testify before the grand jury which was investigating offense with which defendant was later charged held properly overruled where testimony required was not shown either in verified plea or by evidence. State v. Bright, 269 S.W.2d 615.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.840 - Matters pleaded occurring in another county.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.840. Matters pleaded occurring in another county. —When any matters shall be pleaded as having occurred in any other county than that in which the indictment or information was found, it shall be tried in the same manner as if it had been alleged to have occurred in the same county where such plea is tendered. ---------- (RSMo 1939 § 4006) Prior revisions: 1929 § 3617; 1919 § 3960; 1909 § 5167

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.850 - Special term of court.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.850. Special term of court. —Whenever any person charged with an offense shall be confined in jail two months before the regular term of the court in which he is to be tried, the jailer shall, without delay, inform the judge of such court thereof, who, if he shall be satisfied that a trial of such persons so confined can be had thereat, and the public good require, shall call a special term of court for the trial of such prisoner. ---------- (RSMo 1939 § 2017) Prior revisions: 1929 § 1853; 1919 § 2349; 1909 § 3871 (1971) Contention on appeal from proceeding under court rule 27.26 that conviction should have been set aside because movant had not been granted speedy trial, in that although he entered plea of guilty at third term after information was filed he was not sentenced until the fourth term, overruled since statutory provisions as to speedy trial are not jurisdictional and are waived unless timely invoked, and entry of plea of guilty ended all questions based upon either statutory or constitution guarantees of speedy trial. Rew v. State (Mo.), 472 S.W.2d 611.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.860 - If prisoner bailed, no special term.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.860. If prisoner bailed, no special term. —If the prisoner shall be bailed or discharged, the jailer shall give the judge notice of the fact, who shall thereupon be exempted from the duty of holding a special term of his court. ---------- (RSMo 1939 § 2021) Prior revisions: 1929 § 1857; 1919 § 2353; 1909 § 3875

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.870 - Prosecuting attorney to be notified, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.870. Prosecuting attorney to be notified, when. —Where a special term shall be ordered, under section 545.850, the judge ordering the same shall cause a notice thereof to be served by the sheriff or any

authorized person, on the prosecuting attorney, and the prisoner or prisoners to be tried, ten days before the commencement of such term. ---------- (RSMo 1939 § 2018) Prior revisions: 1929 § 1854; 1919 § 2350; 1909 § 3872

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.880 - Joint trials, when — separate trials for joint defendants, when — probability of prejudice exists, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.880. Joint trials, when — separate trials for joint defendants, when — probability of prejudice exists, when. —1. Notwithstanding supreme court rule 24.06, whenever two or more defendants are jointly charged in an indictment or information, the court shall order both or all defendants to be tried together. In the event two or more defendants are charged in separate indictments or informations with offenses, where both the defendants and the offenses could have been joined in the same information or indictment, upon motion of one or more defendants or on motion of the state, the court may order the indictments or informations or both to be tried together. 2. If, upon written motion of the defendant, the court finds that the probability for prejudice exists in a joint trial, the court shall order the severance of defendants for trial. The court shall find that the probability for prejudice exists if: (1) At least one but not all of the defendants jointly charged is, if convicted, subject to jury assessment of punishment; the defendant or defendants subject to jury assessment of punishment shall have the burden of showing the probability of prejudice if tried jointly; (2) There is, or may reasonably be expected to be, material and substantial evidence admissible against less than all of the joint defendants; (3) There exists an out of court statement of a codefendant which makes reference to another of the joint defendants, but is not admissible against that defendant, and if the statement cannot be properly limited so as to eliminate reference to the complaining defendant; (4) Severance of the joint defendants is necessary to achieve a fair determination of guilt or innocence of any defendant. ---------- (RSMo 1939 § 4050, A.L. 1963 p. 670, A.L. 1984 S.B. 602) Prior revisions: 1929 § 3661; 1919 § 4004; 1909 § 5211 (1954) Where defendant had been granted a severance it was error for court to state to jury that three persons were originally jointly indicted and one of them had pleaded guilty. State v. Castino (Mo.), 264 S.W.2d 372.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.885 - Joint trials for persons jointly charged — exceptions — substantial prejudice defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.885. Joint trials for persons jointly charged — exceptions — substantial prejudice defined. —1. Notwithstanding Missouri supreme court rule 24.07, whenever two or more offenses are jointly charged in an indictment or information, the court shall order both or all offenses to be tried together. 2. If it appears that a defendant or the state is substantially prejudiced by a joinder of the offenses for trial, upon a written motion of the defendant or the state and upon a particularized showing of substantial prejudice, the court may grant a severance of offenses or provide whatever relief justice requires. For purposes of this section,"substantial prejudice"shall mean a bias or discrimination against the defendant or the state which is actually existing or real and not one which is merely imaginary, illusionary or nominal. 3. Each defendant tried jointly under this section shall be entitled to peremptory challenges as set out in section 494.480. 4. The word"evidence", as used in this section, shall not be construed to include evidence as to character or reputation. ---------- (L. 1963 p. 670, A.L. 1980 H.B. 1138, et al., A.L. 1984 S.B. 602, A.L. 1989 S.B. 127, et al.) (1966) This statute does not violate equal protection clause of 14th amendment of U.S. Constitution merely because it is not applicable to all offenses which relate in any manner to sex. State v. Lee (Mo.), 404 S.W.2d 740.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.890 - Defendant imprisoned — discharge if not tried before end of second term.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.890. Defendant imprisoned — discharge if not tried before end of second term. —If any person indicted for any offense, and committed to prison, shall not be brought to trial before the end of the second term of the court having jurisdiction of the offense which shall be held after such indictment found, he shall be entitled to be discharged, so far as relates to the offense for which he was committed, unless the delay shall happen on the application of the prisoner, or shall be occasioned by the want of time to try the cause at such second term. ---------- (RSMo 1939 § 4085) Prior revisions: 1929 § 3696; 1919 § 4040; 1909 § 5246 CROSS REFERENCE: Imprisonment on extradition warrant, limits, 548.171 (1966) What constitutes laches within meaning of this section as failure of state to justly afford the accused such a speedy hearing and determination of the charge against him as is accorded by the constitution. State v. Amerison (Mo.), 399 S.W.2d 53. (1969) This section relates to persons indicted or informed against, and not to persons as to whom a complaint only has been filed. State v. Caffey (Mo.), 438 S.W.2d 167. (1972) Where statute requires discharge of a person indicted and committed to prison if he is not brought to trial within two terms after indictment is filed, the term at which information was filed is not included in the computation. State v. Roach (Mo.), 480 S.W.2d 841.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.900 - Defendant on bail — discharged if not tried before end of third term.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.900. Defendant on bail — discharged if not tried before end of third term. —If any person indicted for any offense, and held to answer on bail, shall not be brought to trial before the end of the third term of the court in which the cause is pending which shall be held after such indictment found, he shall be entitled to be discharged,

so far as relates to such offense, unless the delay happened on his application, or be occasioned by the want of time to try such cause at such third term. ---------- (RSMo 1939 § 4086) Prior revisions: 1929 § 3697; 1919 § 4041; 1909 § 5247 (1953) The right to a discharge under §§ 545.890 to 545.920 does not involve a jurisdictional question and may be waived. If asserted it is a matter for hearing and disposition in the trial court in the nature of an interlocutory proceeding. Such right cannot be asserted in habeas corpus proceeding. Osborne v. Owsley, 364 Mo. 544, 259 S.W.2d 129. (1967) Where a continuance is granted upon the defendant's application, or because of some other action on his part, or upon the order of the court, not requested by the state, it is not a ground for discharge under the statute. Where a case is not tried at one or more terms, and the record is completely silent as to the reason why it was not tried, it is presumed, in the absence of proof to the contrary, that the failure of the state to try the case during such term or terms was not due to laches on the part of the state. State v. Barlish (A.), 421 S.W.2d 558. (1968) This section does not apply if trial is delayed through no fault of the state. State v. Mace (Mo.), 427 S.W.2d 507.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.910 - When state not entitled to further continuance.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.910. When state not entitled to further continuance. —If, when application is made for the discharge of a defendant under either section 545.890 or 545.900, the court shall be satisfied there is material evidence on the part of the state which cannot then be had, that reasonable exertions have been made to procure the same, and that there is just ground to believe that such evidence can be had at the succeeding term, the cause may be continued to the next term, and the prisoner remanded or admitted to bail, as the case may require. If the defendant shall not be tried before the end of the term last mentioned, the state shall not be entitled to any further continuance of the case, and the prisoner shall, if he require it, be discharged. ---------- (RSMo 1939 § 4087) Prior revisions: 1929 § 3698; 1919 § 4042; 1909 § 5248 (1976) Held, defendant must have demanded trial in order to be entitled to discharge under this section or §§ 545.900 and 545.920. State v. Cook (A.), 530 S.W.2d 38.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.920 - When defendant not entitled to discharge.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.920. When defendant not entitled to discharge. —In all cities or counties in this state in which there shall be more than two regular terms of the court having jurisdiction of criminal cases, the defendant shall not be entitled to be discharged for the reasons and under the circumstances mentioned in section 545.890 until the end of the third term after the indictment was found, and under the circumstances mentioned in section 545.900, the defendant shall not be entitled to be discharged until the end of the fourth term after the indictment was found, and in either case the matter of discharge shall, at the end of such third and fourth terms, be governed by the provisions of section 545.910. ---------- (RSMo 1939 § 4088) Prior revisions: 1929 § 3699; 1919 § 4043; 1909 § 5249 (1953) Where court order continuing cause recited that it was made on account of congested docket and lack of time, it could not be collaterally attacked or impeached. Osborne v. Owsley (A.), 257 S.W.2d 691. (1955) Where defendant was tried at first term of circuit court of St. Louis City after amended information was filed and at the third term (excluding term at which original information was filed) after prosecution instituted, he was not entitled to his discharge. State v. Newstead (Mo.), 280 S.W.2d 6. (1957) Where indictment was filed on September, 1954, term but defendant's plea was entered in December, 1954, term and defendant was tried at the September, 1955, term (there being five terms of court a year) he was not entitled to discharge as two continuances to the next term were for "want of time to try the case." State v. Malone (Mo.), 301 S.W.2d 750. (1961) On claim that defendant was not brought to trial within four terms after the indictment was filed the record was reviewed and held not to show that there was time during such terms to try the defendant. State v. Werbin (Mo.), 345 S.W.2d 103. (1971) Contention on appeal from proceeding under court rule 27.26 that conviction should have been set aside because movant had not been granted a speedy trial, in that although he entered plea of guilty at third term after information was filed he was not sentenced until the fourth term, overruled since statutory provisions as to speedy trial are not jurisdictional and are waived unless timely invoked, and entry of plea of guilty ended all questions based upon either statutory or constitutional guarantees of speedy trial. Rew v. State (Mo.), 472 S.W.2d 611. (1972) Although information was filed during September, 1968, term and trial began during September, 1969, term after elapse of four terms of court, since defendant took no action at any time to secure a trial until he filed motion for discharge at May, 1969, term defendant was not entitled to discharge. Failure to take affirmative action seeking a speedy trial constitutes waiver of that right. State v. Wright (Mo.), 476 S.W.2d 581. (1972) Where statute requires discharge of a person indicted and committed to prison within three terms if there are more than two regular terms of court a year, the term at which information was filed is not included in the computation. State v. Roach (Mo.), 480 S.W.2d 841. (1972) Where appellant had escaped from custody before arraignment set for March 31, 1966, and was convicted of crime in California and on June 10, 1970, was paroled from California sentence and returned for trial in Missouri, there was no denial of constitutional right to speedy trial since defendant showed no prejudice except his assertions that each year made it more difficult to find witnesses and that the Missouri detainer precluded him from California rehabilitation programs. State v. Endres (Mo.), 482 S.W.2d 480. (1972) Where there is nothing in the record to indicate that the accused or his counsel at any time made any demand for a trial, or that he made such request without success for a reasonable length of time before his right to release has been asserted, he is not entitled to release simply because the required number of terms have elapsed. State v. West (Mo.), 484 S.W.2d 191.

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2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.930 - Endorsement or signature of pleadings in criminal cases.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.930. Endorsement or signature of pleadings in criminal cases. —Pleadings in criminal cases shall be attributed to a party or attorney or signed in the manner provided by supreme court rule. Any statutory requirement that pleadings be signed by any person shall be satisfied by compliance with such rules. ---------- (L. 1997 S.B. 248)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.940 - Defendant may be tested for various serious infectious or communicable diseases, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.940. Defendant may be tested for various serious infectious or communicable diseases, when. —1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under chapter 566 or section 565.050, assault in the first degree; section 565.052 or 565.060*, assault in the second degree; section 565.054 or 565.070**, assault in the third degree; section 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, domestic assault in the third degree; section 565.075***, assault while on school property; section 565.076, domestic assault in the fourth degree; section 565.081***, 565.082***, or 565.083***, assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first, second, or third degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest; or subdivision (2) or (3) of subsection 2 of section 191.677, knowingly or recklessly exposing a person to a serious infectious or communicable disease, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of such tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of such tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file. 2. As used in this section,"HIV"means the human immunodeficiency virus that causes acquired immunodeficiency syndrome. ---------- (L. 2002 H.B. 1756, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2021 S.B. 53 & 60) Transferred 2014; formerly 566.135; Effective 1-01-17 *Section 565.060 was transferred in 2014; now 565.052, effective 1-01-17. **Section 565.070 was transferred in 2014; now 565.054, effective 1-01-17. ***Sections 565.075, 565.081, 565.082, and 565.083 were repealed by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 545 - Proceedings Before TrialSection 545.950 - Child victim of sexual offense, video and aural recordings and photographs, defendant not to copy or distribute without court order.

Title XXXVII CRIMINAL PROCEDURE Chapter 545 545.950. Child victim of sexual offense, video and aural recordings and photographs, defendant not to copy or distribute without court order. —1. Except as provided by subsection 2 of this section, the defendant, the defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of the defendant's attorney shall not copy or distribute to a third party any visual or aural recordings or photographs of a minor who is alleged to be the victim of an offense under chapter 566 created by or in the possession of a child assessment center, health care provider, or multidisciplinary team member unless a court orders the copying or distribution upon a showing of good cause after notice and a hearing and after considering the safety and privacy interests of any victim. 2. The defendant's attorney or an investigator, expert, consulting legal counsel, or agent for the defendant's attorney may allow a defendant, witness, or prospective witness to view the information provided under this section, but shall not allow such person to have copies of the information provided. 3. If a court orders the copying or distribution of visual or aural recordings or photographs as described in subsection 1 of this section, the order shall: (1) Be limited solely to the use of the recordings or photographs for the purposes of a pending court proceeding or in preparation for a pending court proceeding; (2) Prohibit further copying, reproduction, or distribution of the recordings or photographs; and (3) Require, upon the final disposition of the case, the return of all copies to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs, or provide an affidavit to the health care provider, child assessment center, or multidisciplinary team member that originally had possession of the recordings or photographs certifying that all copies have been destroyed. ---------- (L. 2016 H.B. 1562)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.010 - Proceedings upon information, how conducted.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.010. Proceedings upon information, how conducted. —The trial and all proceedings upon any information filed in a court of record shall be governed by the law and practice applicable to trials upon indictments in said court. ---------- (RSMo 1939 § 3899) Prior revisions: 1929 § 3509, 1919 § 3854; 1909 § 5062

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2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.020 - Plea of not guilty, not formally tendered.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.020. Plea of not guilty, not formally tendered. —When a person shall be arraigned upon any indictment or information, it shall not be necessary to ask him how he will be tried; and if he deny the charge in any form, or require a trial, or if he refuse to plead or answer and in all cases when he does not confess the charge to be true, a plea of not guilty shall be entered, and the same proceedings shall be had, in all respects, as if he had formally pleaded not guilty to such indictment or information; provided, however, that no judgment rendered in any criminal case shall be reversed, set aside or for naught held for the reason that the record does not show that the defendant was arraigned and a plea of not guilty entered, where a trial was had in all respects as though the defendant had been arraigned and had formally tendered the general issue under a plea of not guilty. ---------- (RSMo 1939 § 4004) Prior revisions: 1929 § 3615; 1919 § 3958; 1909 § 5165 (1951) Where jury was present when information was read and was permitted to hear defendant's refusal to plead thereto but where court gave instruction that information "is a mere formal statement ... and is no evidence whatever of his guilt" there was no prejudicial error. State v. Lamb (Mo.), 239 S.W.2d 496.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.030 - Prisoner must be present in court, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.030. Prisoner must be present in court, when. —No person indicted for a felony can be tried unless he be personally present, during the trial; nor can any person be tried or be allowed to enter a plea of guilty in any other case unless he be personally present, or the court and prosecuting attorney shall consent to such trial or plea in the absence of the defendant; and every person shall be admitted to make any lawful proof by competent witnesses or other testimony in his defense; provided, that in all cases the verdict of the jury may be received by the court and entered upon the records thereof in the absence of the defendant, when such absence on his part is willful or voluntary, and when so received and entered shall have the same force and effect as if received and entered in the presence of such defendant; and provided further, that when the record in the appellate court shows that the defendant was present at the commencement or any other stage of the trial, it shall be presumed, in the absence of all evidence in the record to the contrary, that he was present during the whole trial. ---------- (RSMo 1939 § 4054) Prior revisions: 1929 § 3665; 1919 § 4008; 1909 § 5214 (1956) Where defendant charged with first degree murder was at liberty on bond and jury was discharged on its failure to reach verdict during his voluntary, although inadvertent absence from courtroom, his retrial did not constitute double jeopardy. State v. McCrary, 365 Mo. 799, 287 S.W.2d 785. (1959) Absence of defendant's counsel from courtroom at time verdict was returned violated no constitutional right of defendant. State v. Smith (Mo.), 324 S.W.2d 707. (1961) Defendant was not deprived of constitutional right to appear and defend in person where he was represented by competent counsel throughout all stages of trial and was personally present at all times except when voluntarily absent for short time during proceedings in chambers when record of prior convictions was presented to judge under second offender law. State v. Colbert (Mo.), 344 S.W.2d 115. (1967) Accused's presence is not necessary during proceedings which are not part of the trial, such as preliminary or formal proceedings or motions which do not affect his guilt or innocence. State v. Durham (MO.), 416 S.W.2d 79. (1968) Where transcript on appeal did not affirmatively show defendant who was charged with a misdemeanor present at trial and no request for trial in his absence appeared in record, conviction could not stand. State v. Cook (MO.), 432 S.W.2d 345. (1976) Right to appear and defend in criminal prosecutions is a broader right than the statutory right to be personally present at the trial. A defendant may waive these rights and his counsel acting unilaterally may waive defendant's right to be present at a pretrial motion to suppress an oral confession. State v. Sanders (A.), 539 S.W.2d 458.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.040 - Issues of fact to be tried by jury.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.040. Issues of fact to be tried by jury. —All issues of fact in any criminal cause shall be tried by a jury, to be selected, summoned and returned in a manner prescribed by law. ---------- (RSMo 1939 § 4051) Prior revisions: 1929 § 3662; 1919 § 4005; 1909 § 5212 CROSS REFERENCE: Defendant may waive trial by jury, when, Const. Art. I § 22(a)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.050 - Misdemeanors may be tried by court.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.050. Misdemeanors may be tried by court. —But the defendant and prosecuting attorney, with the assent of the court, may submit the trial of misdemeanors to the court, whose finding in all such offenses shall have the force and effect of the verdict of a jury. ---------- (RSMo 1939 § 4052) Prior revisions: 1929 § 3663; 1919 § 4006; 1909 § 5213 (1953) On appeal, in misdemeanor trial where jury was waived, the finding of the court on the merits must be allowed to stand if supported by substantial evidence. State v. Sargent, 241 A. 1085, 256 S.W.2d 265. (1953) In usury prosecution, where jury is waived and requested declarations of law state correct principles and there is substantial evidence on which to base them, and they are seasonably offered, it is error to refuse to give them. State v. Sargent, 241 A. 1085, 256 S.W.2d 265. (1962) Where defendant in a misdemeanor case is present and represented by counsel, and there is no request for a jury, his consent to be

tried by the court is presumed. State v. Belleville (A.), 362 S.W.2d 77.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.060 - Practice in civil case to apply, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.060. Practice in civil case to apply, when. —The proceedings prescribed by law in civil cases, in respect to the impaneling of jurors, the keeping them together, and the manner of rendering their verdict, shall be had upon trials on indictments and prosecutions for criminal offenses, except in cases otherwise provided by statute. ---------- (RSMo 1939 § 4068) Prior revisions: 1929 § 3679; 1919 § 4023; 1909 § 5229

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.070 - Order of trial — instructions, requirements.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.070. Order of trial — instructions, requirements. —The jury being impaneled and sworn, the trial may proceed in the following order: (1) The prosecuting attorney must state the case and offer the evidence in support of the prosecution; (2) The defendant or his counsel may then state his defense and offer evidence in support thereof; (3) The parties may then respectively offer rebutting testimony only, unless the court, for good reason in furtherance of justice, permit them to offer evidence upon their original case; (4) In every trial for a criminal offense the court shall instruct the jury in writing upon all questions of law arising in the case which are necessary for their information in giving the verdict, which instructions shall include a definition of the term reasonable doubt; (5) Unless the case be submitted without argument, the counsel for the prosecution shall make the opening argument, the counsel for the defendant shall follow, and the counsel for the prosecution shall conclude the argument. ---------- (RSMo 1939 § 4070, A.L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A) Prior revisions: 1929 § 3681; 1919 § 4025; 1909 § 5231 Effective 10-01-84 (1952) In murder case evidence showed defendant without provocation or forewarning "bumped into" victim and as he (victim) turned around defendant shot him. Defendant claimed that because of illness or beating or intoxication he did not recall incident. Instruction on accidental shooting not required. State v. Slaten (Mo.), 252 S.W.2d 330. (1953) Court could not review refusal of trial court to give instruction converse to state's main instruction where new trial witness and, on cross-examination for purpose of impeachment, case. State v. Dennis (Mo.), 242 S.W.2d 534. (1953) Where defendant's evidence indicated that he committed robbery, not of his own volition, but because of a well-grounded fear of present, imminent and impending death or serious bodily injury at the hands of others, court was required to instruct jury on issue of duress. State v. St. Clair (Mo.), 262 S.W.2d 25. (1954) Instruction reciting "insanity interposed by counsel of the defendant as an excuse for the charge" held erroneous as tending to disparage legal defense. State v. Johnson (Mo.), 267 S.W.2d 642. (1954) Instruction in rape prosecution requiring defendant to prove insanity "to the reasonable satisfaction of the jury" held erroneous. State v. Johnson (Mo.), 267 S.W.2d 642. (1954) Argument on behalf of state that defendant was contending that he could not be convicted because he had theretofore been adjudicated insane and confined to mental hospital and statement that if found insane he would be out in two months held erroneous. State v. Johnson (Mo.), 267 S.W.2d 642. (1956) Reference to fact in opening statement that defendant, although being tried separately, had been charged jointly with others held not error. State v. Deppe (Mo.), 286 S.W.2d 776. (1956) Mere nondirection in misdemeanor case is not error since § 546.070 does not apply. State v. Griffin (A.), 289 S.W.2d 455. (1956) Where no objection is made to instructions at time they are given and read to the jury, court on appeal cannot review alleged errors therein. State v. Rush (Mo.), 286 S.W.2d 767; (1956) State v. Lawson (Mo.), 290 S.W.2d 84. (1958) Argument by prosecuting attorney that in the event of acquittal or light sentence the defendant would commit another crime is improper but, where general objection was made, the trial court was within its discretion in not ordering a new trial. State v. Eckenfels (Mo.), 316 S.W.2d 532. (1960) Where defendant formulates and asks an instruction that correctly states the law which is the converse of the state's principal instruction it is duty of the trial court to give the same. State v. McWilliams (Mo.), 331 S.W.2d 610. (1960) In prosecution for operating vehicle in excess of speed limit it was prejudicial error for judge to permit interruption of defendant's testimony to allow two patrolmen to give testimony beyond their own testimony in chief, contrary to and in rebuttal of defendant's interrupted testimony. State v. Hunt (A.), 335 S.W.2d 506. (1961) Where the defendant in his direct testimony and in cross-examination gave some evidence as to his prior convictions but did not offer any evidence to prove his good reputation it was error on the part of the court to give a good character instruction which stated that the law presumed that the person whose character is good is less likely to commit a crime than one whose character is not good. State v. Baldwin (Mo.), 349 S.W.2d 212. (1961) Where the defendant offered an incorrect instruction on a collateral matter (in this case on the effect of impeaching testimony) the court is required to give a correct instruction. State v. Chaney (Mo.), 349 S.W.2d 238. (1962) Trial court need not instruct on alibi unless requested to do so and stated objections by defendant's counsel immediately prior to giving of instructions that the court "failed to instruct the jury on all the law in the case involved, such as alibi instruction" did not constitute a request for alibi instruction. State v. Harris (Mo.), 356 S.W.2d 889. (1962) Phrase in reasonable doubt instruction that "but a doubt to authorize an acquittal on that ground ought to be substantial doubt", upheld against contention that it lessened the burden of state's proof. State v. Sanders (Mo.), 358 S.W.2d 45. (1962) As a general rule this section has no application to misdemeanor cases. State v. Katz Drug Company (A.), 362 S.W.2d 80. (1962) Words "if proven to your satisfaction" in instruction to jury on consideration to be given to previous good character of defendant in prosecution for murder, though technically erroneous, were not manifestly prejudicial. State v. Demaree (Mo.), 362 S.W.2d 500. (1962) Instruction on self-defense in prosecution for murder containing the words that if defendant had "reasonable cause to believe and did believe that it was necessary for him to shoot and kill" the deceased in order to protect himself held not reversible error against charges that it denied defendant the right to act upon appearances and restricted his right to single hypothesis

that it was necessary "to kill" in order to protect himself. State v. Demaree (Mo.), 362 S.W.2d 500. (1963) In prosecution for robbery in first degree it was proper, assuming it not to be mandatory, for the court to instruct that voluntary intoxication is no excuse for commission of crime, although intoxication was not raised by defendant as an excuse, since the record was replete with testimony concerning intoxication of defendant. State v. Sawyer (Mo.), 365 S.W.2d 487. (1963) Burden of proof instruction using phrase "establishes his guilt to your satisfaction" in conjunction with phrases "beyond a reasonable doubt" and "to a moral certainty" held not to minimize defendant's rights or the presumption of his innocence. State v. Caffey (Mo.), 365 S.W.2d 607. (1963) In prosecution for second degree murder where facts created issue of self-defense the court erred in failing to instruct thereon notwithstanding the state's verdict directing instruction required jury to find that defendant acted "with malice aforethought". State v. Austin (Mo.), 367 S.W.2d 485. (1963) Where defendant adduced substantial evidence as to his good character he was entitled to the benefit of that evidence if the jury found from a preponderance of the evidence that he was of good character, and an instruction that jury was to consider good character of defendant if proven to its reasonable satisfaction was error. State v. Jackson (Mo.), 369 S.W.2d 199. (1963) Where information charged defendant "on or about the 30th day of March, A.D. 1962", did certain acts in violation of city ordinance, and all of evidence submitted related to events occurring on March 29, 1962, verdict directing instruction which, through typographical error, required jury to find defendant guilty if they found she did the alleged acts "on or about the 29th day of May" was reversible error. Kansas City v. Martin (A.), 369 S.W.2d 602. (1963) In robbery prosecution wherein testimony of accomplice constituted major part of state's evidence, court did not err in failing to give sua sponte an accomplice instruction since such instruction would have been purely cautionary and collateral to principal issue involved. State v. Garton (Mo.), 371 S.W.2d 283. (1964) Judge's statement to jury after submission of cause and in answer to their question about sentence to be imposed, that jury should refer to instructions and the three forms of verdict given them and that court would have no objection to jury using form of verdict that did not refer to the prior conviction if they felt it appropriate was not the giving of an instruction within rule requiring instruction of jury in writing. State v. Baugh (Mo.), 382 S.W.2d 608. (1964) Court did not err in refusing to give instruction requested by defendant to the effect that jury could not consider failure of the accused to take the stand nor draw any unfavorable inference therefrom. State v. Perkins (Mo.), 382 S.W.2d 701. (1964) Where the defendant was charged in one information with burglary and stealing, court was required without request to instruct jury that they could convict of one offense and acquit of the other and as there was nothing in the record to show that defendant waived this right, failure to so instruct was reversible error. State v. Qualls (Mo.), 383 S.W.2d 547. (1966) If there was substantial evidence to support the submission of the offense, the trial court is required to give an instruction on the offense whether requested or not. State v. Adams (Mo.), 406 S.W.2d 608. (1967) Court's failure to instruct jury on issue of excusable homicide because of accident in homicide prosecution where defendant testified that gun went off accidentally was plain error affecting substantial rights, although not set forth as an assignment of error in motion for new trial. State v. Haygood (Mo.), 411 S.W.2d 230. (1967) An instruction which purports to cover the whole case but which entirely ignores a defense supported by evidence is erroneous and constitutes reversible error. State v. Drane (Mo.), 416 S.W.2d 105. (1971) For error to instruct on the subject of good character when such an instruction was requested by the defendant in prosecution for misdemeanor of keeping intoxicants on premises licensed for sale of nonintoxicating beer, the judgment was reversed and case remanded. State v. Russo (A.), 470 S.W.2d 164. (1973) Where defendant assigned as error the trial court's failure to instruct the jury as to the legal effect to be given to the evidence concerning defendant's breath test for blood alcohol, it was not grounds for setting aside the verdict in this misdemeanor case, where jury was not misdirected or the court did not refuse to give proper instructions offered by the defendant. State v. Kramme (A.), 491 S.W.2d 24. (1974) The term "whenever necessary" in subdivision (4) means that such an instruction is necessary only when there is substantial evidence tending to show the good character of the defendant. State v. Antwine (Mo.), 506 S.W.2d 397. (1975) In prosecution for second degree murder, where defendant was convicted of manslaughter, circumstantial evidence including appellant's attempt to procure false testimony, his flight from scene, his destruction and attempted destruction of evidence, and his admission of having sought to remove suspicion from himself by falsely stating that victim committed suicide was sufficient to establish submissible case and instruction on manslaughter was properly given although there was no evidence of provocation by victim. State v. Stapleton (Mo.), 518 S.W.2d 292. (1987) It was error to give instruction on reputation of defendant where defendant did not present any evidence at trial as to his general reputation for good character. State v. Stone 731 S.W.2d 466 (Mo.App.S.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.080 - Variance between charge and proof.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.080. Variance between charge and proof. —Whenever on the trial of any felony or misdemeanor, there shall appear to be any variance between the statement in the indictment or information and the evidence offered in proof thereof, in the Christian name or surname, or both the Christian name and surname, or other description whatsoever, or any person whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, such variance shall not be deemed grounds for an acquittal of the defendant, unless the court before which the trial shall be had shall find that such variance is material to the merits of the case and prejudicial to the defense of the defendant. ---------- (RSMo 1939 § 3951) Prior revisions: 1929 § 3562; 1919 § 3907; 1909 § 5114 (1964) Court did not err in permitting substitution of information for indictment at close of evidence and before submission of case to jury where the only difference was that information stated both the name and alias of person to whom defendant sold marijuana and indictment stated only the alias since defendant had known for over a month the true name of the person named in indictment. State v. Whittington (Mo.), 379 S.W.2d 518.

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2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.090 - Court may amend record, when — clerk to certify corrections.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.090. Court may amend record, when — clerk to certify corrections. —Upon the trial of any indictment or information the court may at any stage of the proceeding, in furtherance of justice, amend or supply any pleading, writ, process, entry, return or other proceedings; and the court in which the indictment was found, or the information filed, or in which the trial is had, may at any time before final disposition of the cause, either in such court or the court to which the same may have been appealed, and, whether at the same or different term of court, amend or supply any record in accordance with the fact. If the same be pending on appeal at the time any such record is amended or supplied, the part thereof so amended or supplied shall be immediately certified to the appellate court by the clerk of such trial court. ---------- (RSMo 1939 § 3954) Prior revision: 1929 § 3565 (1953) Reference in argument by state's attorney to defendant as "spook" and "burglar" held not error where court admonished jury that there was no justification for the statement and directed that it be stricken and disregarded entirely. State v. Rousslang (Mo.), 258 S.W.2d 627.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.095 - Offense not cognizable before associate circuit judge — procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.095. Offense not cognizable before associate circuit judge — procedure. —If, in the progress of any trial before an associate circuit judge, it shall appear that the accused ought to be put upon his trial for an offense not cognizable before an associate circuit judge, the judge shall immediately stop all further proceedings before him, and shall transfer the case to a circuit judge. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.250 - Person injured may testify.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.250. Person injured may testify. —No person shall be rendered incompetent to testify in criminal causes by reason of his being the person injured or defrauded, or intended to be injured or defrauded, or that would be entitled to satisfaction for the injury, or is liable to pay the costs of the prosecution. ---------- (RSMo 1939 § 4078) Prior revisions: 1929 § 3689; 1919 § 4033; 1909 § 5239 CROSS REFERENCE: Civil practice as to witnesses in civil and criminal trials, 491.070

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.260 - Defendant may testify in own behalf — spouse may testify for husband or wife — spouse may testify against husband or wife, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.260. Defendant may testify in own behalf — spouse may testify for husband or wife — spouse may testify against husband or wife, when. —1. No person shall be incompetent to testify as a witness in any criminal cause or prosecution by reason of being the person on trial or examination, or by reason of being the husband or wife of the accused, but any such facts may be shown for the purpose of affecting the credibility of such witness; provided, that no person on trial or examination, nor wife or husband of such person, shall be required to testify, but any such person may testify at his or her option either on behalf of or against the defendant, and shall be liable to cross-examination, as to any matter referred to in his examination in chief, and may be contradicted and impeached as any other witness in the case; provided, that in no case shall husband or wife, when testifying under the provisions of this section, be permitted to disclose confidential communications had or made between them in the relation of such husband and wife. 2. Notwithstanding subsection 1 of this section or any other provision of law to the contrary, in any criminal prosecution under chapter 565, 566 or 568, involving an alleged victim under the age of eighteen, a spouse shall be a competent witness against a defendant spouse, and no spousal privilege as set forth in subsection 1 of this section or any other provision of law shall exist. ---------- (RSMo 1939 § 4081, A.L. 1985 H.B. 366, et al.) Prior revisions: 1929 § 3692; 1919 § 4036; 1909 § 5242 Effective 7-19-85 (1952) The "matter referred to in his examination in chief" means the things he testifies about. If defendant in chief in a general way refers to a subject, he may be examined in detail as to that subject. State v. Christian (Mo.), 245 S.W.2d 895. (1952) Where defendant ex-policeman testified as to his work as policeman and his training, cross-examination as to whether he got in trouble during training was improper but general objection not sufficient to preserve objection. Specific objection on ground no conviction shown made at close of cross-examination also not sufficient to preserve same. State v. Slaten (Mo.), 252 S.W.2d 330. (1953) Where defendants on direct examination denied stealing corn, they could be cross-examined as to their signatures to conflicting statements as to crime made in prosecuting attorney's office, even though statements were not introduced and particularly is this so where stenographer testified without objection from her notes as to matters contained in such statements. State v. Kaufman (Mo.), 254 S.W.2d 640. (1953) Where defendant in criminal case offered himself as witness and, on cross-examination for purpose of impeachment, gave false answers as to his prior convictions of crime, he was guilty of perjury. State v. Swisher, 364 Mo. 157, 260 S.W.2d 6. (1956) Where officer was called by defense in robbery prosecution to impeach state's witnesses, his cross-examination, for the purpose of showing defendant had been arrested on another charge, held error. State v. Ingram (Mo.), 286 S.W.2d 733. (1957) Wife, testifying voluntarily, held competent witness against her husband in prosecution for acts constituting crime of personal violence against her child. State v. Kollenborn (Mo.), 304 S.W.2d 855. (1958) In

prosecution upon charge of performing an abortion where defendant's testimony on direct examination was in effect a general denial, cross-examination of defendant in regard to the right of access to and control of the house in which state's evidence tended to show the abortion took place was proper. State v. Scown (Mo.), 312 S.W.2d 782. (1958) Under common law court did not err in permitting wife to testify on behalf of state in prosecution of defendant for statutory rape of his eight-year-old daughter as to what she found when she returned home and found defendant and the child. State v. Greer (Mo.), 313 S.W.2d 711. (1959) Where defendant in criminal case took stand, cross-examination of him with respect to his former convictions was a proper method of impeachment. State v. Reece (Mo.), 324 S.W.2d 656. (1959) Where husband on trial for murder testified to an alleged confidential communication between him and his wife and by such testimony attempted to blacken her reputation for his own advantage, he was held to have waived her incompetency and her testimony as to the communication and as to the commission of the crime was properly admitted in rebuttal. State v. Bledsoe (Mo.), 325 S.W.2d 762. (1959) Where defendant took stand as witness, his cross-examination as to prior convictions, including misdemeanor convictions, held proper. State v. Ivory (Mo.), 327 S.W.2d 870. (1960) Where defendant makes sweeping denial of commission of crime in testimony on his own behalf, he is liable to cross-examination, contradiction and impeachment as any other witness. State v. Beishir (Mo.), 332 S.W.2d 898. (1960) Spouse of individual charged with crime is not precluded from testifying against coindictee of spouse where such coindictee is separately tried. State v. Gyngard (Mo.), 333 S.W.2d 73. (1960) Where defendant in criminal case takes stand as witness in his own behalf he may be cross-examined as any other witness with respect to former convictions upon the issue of his credibility as a witness. State v. Morton (Mo.), 338 S.W.2d 858. (1961) After asking a series of prejudicial and improper questions of defendant which related to matters beyond scope of direct examination objections to which were sustained by the court, comment by prosecuting attorney that "if the court please, we have got the right to put on some testimony from this witness" prejudiced the rights of defendant and was not relieved by direction of court to disregard the statement. State v. Sarten (Mo.), 344 S.W.2d 1. (1962) Where defendant, in prosecution for subornation of perjury, testified as to his truthfulness it was proper for state to cross-examine defendant regarding prior jail sentence and fine for contempt of court for false swearing. State v. Baldwin (Mo.), 358 S.W.2d 18. (1962) Admission in evidence of photograph of defendant taken after arrest showing defendant's hair to be long where at time of trial he had a crew cut and identity of defendant was disputed, upheld against contention it compelled defendant to testify against himself. State v. Sanders (Mo.), 358 S.W.2d 45. (1962) Defendant in robbery prosecution, by taking the stand and testifying in his own defense, waived the error, if any, in requiring him to be sworn before exhibiting himself before jury in hat, sweater, gloves and stocking mask worn by robber. State v. Byrd (Mo.), 360 S.W.2d 614. (1963) In prosecution for carrying a concealed weapon it was prejudicial error to admit testimony in rebuttal that defendant had remained silent when asked by officer at time of arrest why he was carrying the pistol. State v. Vainikos (Mo.),366 S.W.2d 423. (1966) Credibility of defendant who elects to take stand in his own behalf may be attacked like that of any other witness by showing prior convictions. State v. McClain (Mo.), 404 S.W.2d 186. (1970) The right of an accused to testify in his own behalf is a statutory and not a constitutional right. State v. Hutchinson (Mo.), 458 S.W.2d 553. (1974) Cross-examination as to whether defendant changed coats with a codefendant before a police lineup was proper since on direct examination the denial of guilt by the defendant was broad enough to allow evidence of consciousness of guilt or a disposition to conceal the alleged crime as indicated by the changing of coats. State v. Kirk (A.), 510 S.W.2d 196. (1976) When defendant testified that he did not shoot victim but that third person did, evidence that defendant attempted to suborn perjury in support of his testimony constitutes direct contradiction of his examination in chief and is admissible to impeach him. State v. Moore (A.), 546 S.W.2d 10. (1977) Held, a person may testify against his spouse, the privilege belongs to the witness and must be asserted by the witness. State v. Frazier (A.), 550 S.W.2d 590. (1977) Where defendant testified on direct examination that he had never been "in trouble" except for one instance, cross-examination as to prior arrests was permissible. State v. Payton (A.), 559 S.W.2d 551. (1986) The husband-wife privilege does not apply to communications relating to contemplated future crimes. State v. Heistand (Mo.banc), 708 S.W.2d 125. (1987) Person on trial for selling marijuana who testified in his own behalf was subject to cross examination on subject of identity of supplier pursuant to this section in view of defendant's numerous references to supplier and defendant's implication that defendant was motivated to sell marijuana to pay a cocaine debt owed to supplier. State v. McClintic, 731 S.W.2d 853 (Mo.App.S.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.262 - Domestic assault, victim and victim's family not to be compelled to testify or disclose certain information.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.262. Domestic assault, victim and victim's family not to be compelled to testify or disclose certain information. —A court shall not compel a victim or member of the victim's family testifying in a criminal proceeding for a violation of sections 565.072 to 565.076 to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure of the address or place of employment is necessary. ---------- (L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.263 - Domestic assault, victim may testify by video conference — local court rules.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.263. Domestic assault, victim may testify by video conference — local court rules. —1. A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of the offense. The circuit and associate circuit court judges for each circuit shall develop local

rules and instructions for appearances by video conference permitted under this subsection, which shall be posted on the circuit court's internet website. 2. The circuit and associate circuit court judges for each circuit shall provide, and post on the circuit court's internet website, a telephone number for the public to call for assistance regarding appearances by video conference. ---------- (L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.265 - Criminal activity reporting to crime stoppers organization, privileged communication not subject to disclosure — in camera inspection permitted, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.265. Criminal activity reporting to crime stoppers organization, privileged communication not subject to disclosure — in camera inspection permitted, when. —1. As used in this section, the following terms mean: (1)"Crime stoppers organization", a private, not-for-profit organization that collects and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards such information to appropriate law enforcement agencies; (2)"Privileged communication", information by an anonymous person to a crime stoppers organization for the purpose of reporting alleged criminal activity. 2. No person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization or to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication: (1) In connection with any criminal case or proceeding; or (2) By way of any discovery procedure. 3. Any person arrested or charged with a criminal offense may petition the court for an in camera inspection of the records of a privileged communication concerning the report such person made to a crime stoppers organization. The petition shall allege facts showing that such records would provide evidence favorable to the defendant and relevant to the issue of guilt or punishment. If the court determines that the person is entitled to all or any part of such records, the court may order production and disclosure as the court deems appropriate. ---------- (L. 2021 S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.270 - Failure to testify not to prejudice defendant.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.270. Failure to testify not to prejudice defendant. —If the accused shall not avail himself or herself of his or her right to testify, or of the testimony of the wife or husband, on the trial in the case, it shall not be construed to affect the innocence or guilt of the accused, nor shall the same raise any presumption of guilt, nor be referred to by any attorney in the case, nor be considered by the court or jury before whom the trial takes place. ---------- (RSMo 1939 § 4082) Prior revisions: 1929 § 3693; 1919 § 4037; 1909 § 5243 (1951) Argument by prosecuting attorney that "defendant has not even testified" constitutes reversible error and when such statement is not competent for any purpose a general objection is sufficient. State v. Dupepe (Mo.), 241 S.W.2d 4. (1952) Statement in argument on questions as to first and second degree murder, inquiring "What evidence do you have on the condition of his mind?" and stating "Even if you believe" witness "who, I tell you, was a perjurer" ✶ ✶ ✶ and further statement that defendant shot deceased and inquiry "Did they make any defense of it?" held not improper comments on evidence. State v. Johnson, 362 Mo. 833, 245 S.W.2d 43. (1954) Statement by prosecuting attorney that defense "offered no evidence at all" was not comment on failure of accused to testify in violation of this section. State v. Hayzlett (Mo.), 265 S.W.2d 321. (1955) Where defendant's wife failed to testify prosecutor's query in argument, "Who can identify where he was that morning other than his wife and two kids?" held error as comment on failure of wife to testify. State v. Wyatt (Mo.), 276 S.W.2d 86. (1955) Statement that there was no evidence on defendant's side and that state's evidence was uncontradicted held not comment on failure of defendant to testify. State v. Hardy (Mo.), 276 S.W.2d 90. (1955) Prosecutor's statement that there was "no evidence here to refute what any of these people said" held not comment on failure of accused to testify. State v. Murray (Mo.), 280 S.W.2d 809. (1955) Where prosecutor in objecting to statement of defense counsel that state witnesses had testified defendant told them he was just walking by burglarized premises, stated in effect that defendant had not testified in case, a mistrial should have been declared. State v. Lindner (Mo.), 282 S.W.2d 547. (1957) Statement that "on one side is the state's evidence, not contradicted. And what is on the defense side? It is empty." held not comment on accused's failure to testify. State v. Hite (Mo.), 298 S.W.2d 411. (1957) Where defendant takes stand, his failure to testify on specific facts in the case is a legitimate subject for comment by the state in argument. State v. Stidham (Mo.), 305 S.W.2d 7. (1959) Statement in instruction on alibi defense that defendant "says he was not present at the time and place" etc. held not comment on defendant's failure to testify. State v. Heissler (Mo.), 324 S.W.2d 714. (1962) Comment by state counsel that ". . . the State's evidence is unrefuted, it is undisputed, and it is undenied", held not be to comment on defendant's failure to testify. State v. Powell (Mo.), 357 S.W.2d 914. 1962) Statement by prosecuting attorney in closing argument that "when the state had concluded its evidence in this case the defense was free to offer any evidence it chose and none was forthcoming" was permissible comment where defendant offered no evidence. State v. Michael (Mo.), 361 S.W.2d 664. (1964) Arguments by prosecuting attorney that the only evidence in the case was the evidence the state produced and that if jurors were accused of murder and were innocent and could prove it they would probably do so were not proper comments of failure of defendant to testify. State v. Perkins (Mo.), 382 S.W.2d 701. (1964) Court did not err in refusing to give instruction requested by defendant to the effect that jury could not consider failure of the accused to take the stand nor draw any unfavorable inference therefrom. State v. Perkins (Mo.), 382 S.W.2d 701. (1965) Prosecutors and judges may not comment adversely on the failure of a defendant to testify in a state criminal trial. Griffin v. State of California, 380 U.S. 609, 85 S.Ct. 1229, 14 L. Ed.2d 106. (1966) Griffin v. State of California rule prohibiting prosecutors and judges from commenting adversely on failure of defendant to testify in

state criminal trial does not apply retroactively. Teban v. United States ex rel. Shott, 382 U.S. 406, 86 S.Ct. 459, 15 L.Ed.2d 453. (1966) Statement by prosecutor that property was found in home of defendant, and that there has been no explanation as to how it got there does not constitute reference to defendant's failure to testify. State v. Kennedy (Mo.), 396 S.W.2d 595. (1966) It is not error to refuse to give instruction relating to defendant's failure to testify in case, even when the instruction is requested by defendant. State v. Barker (Mo.), 399 S.W.2d 1. (1966) Statement by prosecutor that "malice can be inferred from the facts; he intentionally shot him, and he has voiced here on different occasions that he shot him. One: 'I shot him down like a dirty dog.' It wasn't controverted. The defendant didn't deny it; there was no evidence" was not a reference to failure of defendant to testify. State v. Gregg (Mo.), 399 S.W.2d 7. (1966) Statement by prosecuting attorney that "and at the close of the State's case the defendant had an opportunity to present any evidence that they wanted to show, and none was forthcoming" was not reference to accused's failure to testify. State v. Hodge (Mo.), 399 S.W.2d 65. (1966) Statement by prosecutor that evidence on behalf of state was uncontradicted was not comment on defendant's failure to present evidence. State v. Caffey (Mo.), 404 S.W.2d 171. (1969) Statement by prosecutor that the state's evidence was uncontradicted did not constitute a comment on the failure of defendant to take the witness stand. State v. Robb (Mo.), 439 S.W.2d 510. (1972) Instruction to jury over defendant's objection, that defendant's failure to testify should not give rise to a presumption of guilt or inference of any nature was not error. State v. Smart (Mo.), 485 S.W.2d 90. (1972) Prohibition against comment on defendant's failure to testify does not prohibit general comment on failure of accused to offer evidence. State v. Schrest (Mo.), 485 S.W.2d 96. (1973) Held that when the trial court judge said to defendant "Will you be sworn, sir; are you going to testify?" constituted "plain error" and instructing jury to disregard does not cure the error. State v. Gray (A.), 503 S.W.2d 457. (1974) Prosecutor's comment "that is to say, that the defendant himself elected not to testify" is reversible error. State v. McNeal (A.), 517 S.W.2d 187. (1987) Argument focusing on the lack of evidence offered to explain the presence of stolen property in possession of defendant who did not testify on his own behalf in trial for burglary and theft is not comment on the defendant's failure to testify in violation of this section. State v. Masterson, 733 S.W.2d 40 (Mo.App.S.D.)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.280 - Defendant may be discharged to testify for state.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.280. Defendant may be discharged to testify for state. —When two or more persons shall be jointly indicted or prosecuted, the court may, at any time before the defendants have gone into their defense, direct any defendant to be discharged, that he may be a witness for the state. A defendant shall, also, when there is not sufficient evidence to put him on his defense, at any time before the evidence is closed, be discharged by the court for the purpose of giving his testimony for a codefendant. The order of discharge shall be a bar to another prosecution for the same offense. ---------- (RSMo 1939 § 4080) Prior revisions: 1929 § 3691; 1919 § 4035; 1909 § 5241 CROSS REFERENCE: Persons convicted of crime competent witnesses, 491.050 (1968) This section does not prevent codefendant from testifying for state after the charge against him has been disposed of by plea of guilty and before sentencing. Irregularity of asking status of witness' case in hearing of jury not prejudiced in this case. State v. Blevins (Mo.), 427 S.W.2d 367.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.300 - Existence of corporation, how proved.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.300. Existence of corporation, how proved. —If on the trial or other proceeding in a criminal cause, the existence, constitution or powers of any banking company or corporation, shall become material, or be in any way drawn in question, it shall not be necessary to produce a certified copy of the charter or act of incorporation, but the same may be proved by general reputation, or by the printed statute book of the state, government or country by which such corporation was created. ---------- (RSMo 1939 § 4077) Prior revisions: 1929 § 3688; 1919 § 4032; 1909 § 5238 (1954) Existence of banking corporation held shown by evidence of its general reputation, by testimony of its cashier and by testimony of a lawyer from his investigation of the records. State v. Weed (Mo.), 271 S.W.2d 557.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.360 - Defense of former jeopardy may be proved, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.360. Defense of former jeopardy may be proved, when. —In all criminal cases, where the defendant is charged with any offense against the laws of this state, the fact of the former acquittal or conviction of such defendant of such offense may be shown under the general issue or plea of not guilty. ---------- (RSMo 1939 § 4053) Prior revisions: 1929 § 3664; 1919 § 4007

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.370 - Exceptions may be taken as in civil cases.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.370. Exceptions may be taken as in civil cases. —On the trial of any indictment or prosecution for a criminal offense, exceptions to any decisions of the court may be made in the same cases and manner provided by law in all civil cases; and bills of exceptions shall be settled, signed, sealed and filed as now allowed by law in civil actions, and the same proceedings may be had to compel or procure the signing and sealing of such bills, and the return thereof, as in civil cases. ---------- (RSMo 1939 § 4084) Prior revisions: 1929 § 3695; 1919 § 4039; 1909 § 5245 CROSS REFERENCES: Appeals

in criminal cases, when granted, 547.070, 547.090 Assignment of error or joinder in crime not necessary in appeal or writ of error, 547.270 (1951) Where purported transcript of record did not contain certificate showing it to have been agreed to and allowed as a bill of exceptions nor was it shown to have been agreed to as required by § 512.110 and rules 1.31 and 1.34 of supreme court, review on appeal would be limited to record proper. State v. Bird (Mo.), 242 S.W.2d 576.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.380 - Court not to charge, but may instruct jury.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.380. Court not to charge, but may instruct jury. —The court shall not, on the trial of the issue in any criminal case, sum up or comment upon the evidence, or charge the jury as to matter of fact, unless requested to so do by the prosecuting attorney and the defendant or his counsel; but the court may instruct the jury in writing on any point of law arising in the cause. ---------- (RSMo 1939 § 4083) Prior revisions: 1929 § 3694; 1919 § 4038; 1909 § 5244 (1954) Where judge, after jury began deliberations, pointed out expense of trial and desirability of reaching verdict and told them they should respect opinions of others and attempt to arrive at a verdict while adhering to instructions, there was no error. State v. Roberts (Mo.), 272 S.W.2d 190. (1956) An inquiry as to how a jury stands numerically after it has deliberated two hours is not coercive per se but whether it is coercive must be determined on the record of what was said and done at the time. State v. Baker (Mo.), 293 S.W.2d 900. (1956) Statement by court in ruling objection in presence of jury, to the effect that drunkenness of prosecuting witness constituted no defense in robbery case held not prejudicial error. State v. Swiney (Mo.), 296 S.W.2d 104. (1957) Remarks of court held not comment on evidence. State v. Moore (Mo.), 303 S.W.2d 60. (1958) In robbery prosecution where defendant was accused of giving signal to confederates by lighting match and where witnesses testified they did not see cigarette in defendant's hand, comment by judge that as matter of law evidence was that defendant did not have cigarette held unwarranted and erroneous. State v. Fields (Mo.), 314 S.W.2d 723. (1959) Statement by court on voir dire examination that information charged two prior convictions, although information charged only one, held not prejudicial in case where defendant testified on direct examination that he entered pleas of guilty to other offenses. State v. Rose (Mo.), 325 S.W.2d 485. (1960) Instruction not requested by defendant, limiting jury's consideration of any other offense participated in by defendant to sole purpose of shedding light upon identification and presence of defendant at the time of shooting of deceased was cautionary instruction for benefit of defendant and not improper. Use of word "alibi" in another instruction was not prejudicial. State v. Griffin (Mo.), 336 S.W.2d 364. (1964) Statement by court to jury after it had retired and in answer to a question relating to time defendant would serve if given life sentence and whether or not defendant could be paroled constituted prejudicial error. State v. Cornett (Mo.), 381 S.W.2d 878.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.390 - Verdict of jury, how rendered.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.390. Verdict of jury, how rendered. —When the jury have agreed upon a verdict, they must be conducted into court by the officer having them in charge. If they all appear, their verdict must be rendered in open court. If any shall fail to appear, the rest must be discharged without giving a verdict, and the cause must be tried again at the same or next term, as in the case of a failure of the jury to agree upon a verdict. ---------- (RSMo 1939 § 4089) Prior revisions: 1929 § 3700; 1919 § 4044; 1909 § 5250 CROSS REFERENCE: Verdict may be returned on Sunday, 476.250

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.400 - Verdict must show degree of guilt.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.400. Verdict must show degree of guilt. —Upon the trial of any indictment for any offense where by law there may be conviction for different degrees of such offense, the jury, if they convict the defendant of a degree of the offense inferior to the offense alleged in the indictment, shall specify in their verdict of what degree of the offense they find the defendant guilty. ---------- (RSMo 1939 § 4090) Prior revisions: 1929 § 3701; 1919 § 4045; 1909 § 5251 (1960) In prosecutions for stealing personal property of over fifty dollars in value defendant contending value was less than fifty dollars, the court instructed the jury to fix the punishment in accordance with the way they found the value of the property and the verdict finding the defendant "guilty of stealing and assess his punishment at two and one-half years in the Missouri department of corrections" was responsive and free from ambiguity as the offense of stealing does not have different degrees but different penalties. State v. McCarthy (Mo.), 336 S.W.2d 411.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.540 - Confinement of insane persons, costs paid, how.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.540. Confinement of insane persons, costs paid, how. —The sheriff or other officer having the custody of persons committed to the director of the department of mental health as provided in section 552.040 shall, if he deems it necessary to their safe custody, confine them to the county jail until they shall be removed to a state hospital. If all things needful be not otherwise supplied, he shall furnish them, and, in such cases, the supplies for the indigent shall be paid for by the proper county commissions out of the county treasuries; and supplies for others than the indigent shall be repaid out of their estates, and may be recovered by suit in the name of such officer. ---------- (RSMo 1939 § 9351, A.L. 1965 p. 331) Prior revisions: 1929 § 8658; 1919 § 12301; 1909 § 1433

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2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.550 - Presence of prisoner at rendition of judgment.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.550. Presence of prisoner at rendition of judgment. —For the purpose of judgment, if the conviction be for an offense punishable by imprisonment, or imprisonment be assessed as punishment by the jury, the defendant must be personally present; if for a fine only, he must be personally present, or some responsible person must undertake for him to pay the judgment and costs; judgment may then be rendered in his absence. ---------- (RSMo 1939 § 4100) Prior revisions: 1929 § 3711; 1919 § 4055; 1909 § 5261

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.560 - Presence of prisoner in court.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.560. Presence of prisoner in court. —If the defendant is in custody, he must be brought before the court for judgment; if he is not present when his personal attendance is necessary, the court may order the clerk to issue a warrant for his arrest, which may be served in any county in the state, as a warrant of arrest in other cases. ---------- (RSMo 1939 § 4101) Prior revisions: 1929 § 3712; 1919 § 4056; 1909 § 5262 (1956) Where defendant is heard on motion for new trial, failure of record to show allocution is not error. State v. Juvenile Defendants (A.), 291 S.W.2d 628. (1967) Right of allocution is applicable only after conviction upon trial by jury. State v. McClanahan (Mo.), 418 S.W.2d 71.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.570 - Hearing before sentence.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.570. Hearing before sentence. —When the defendant appears for judgment, he must be informed by the court of the verdict of the jury, and asked whether he has any legal cause to show why judgment should not be pronounced against him; and if no such sufficient cause be shown against it, the court must render the proper judgment. ---------- (RSMo 1939 § 4102) Prior revisions: 1929 § 3713; 1919 § 4057; 1909 § 5263

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.580 - Section 546.570 deemed directory, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.580. Section 546.570 deemed directory, when. —If the defendant has been heard on a motion for a new trial, or in arrest of judgment, and in all cases of misdemeanor, the requirements of section 546.570 shall be deemed directory, and the omission to comply with it shall not invalidate the judgment or sentence of the court. ---------- (RSMo 1939 § 4103) Prior revisions: 1929 § 3714; 1919 § 4058; 1909 § 5264 (1952) Where record showed motion for new trial filed and overruled but failed to show allocution, sentence and judgment, appeal was premature and cause must be remanded. State v. Bledsoe (Mo.), 249 S.W.2d 457; (1952) State v. Skaggs (Mo.), 248 S.W.2d 635. (1967) This section is mandatory and court has no power to impose concurrent sentences. State v. McClanahan (Mo.), 418 S.W.2d 71.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.590 - Judgment to be entered by clerk.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.590. Judgment to be entered by clerk. —Whenever a judgment upon a conviction shall be rendered in any court, the clerk of such court shall enter such judgment fully on the minutes, stating briefly the offense for which such conviction shall have been had, and the court shall inspect such entries and conform them to the facts; but the omission of this duty, either by the clerk or judge, shall in nowise affect or impair the validity of the judgment. ---------- (RSMo 1939 § 4104) Prior revisions: 1929 § 3715; 1919 § 4059; 1909 § 5265

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.595 - Associate circuit judge to file statement with certain officers if no appeal — collection of fines.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.595. Associate circuit judge to file statement with certain officers if no appeal — collection of fines. —It shall be the duty of the associate circuit judge before whom any conviction may be had under this chapter, if there be no appeal, to make out and certify, and within ten days after the date of the judgment, deliver to the treasurer of the county and clerk of the county commission each a statement of the case, the amount of the fine and return day of the execution, and the name of the officer charged with the collection thereof; and the county treasurer shall charge the officer with the amount of such fine, and unless the same be paid into the county treasury on or before the return day of the execution, the county commission shall, at their next term, ten days' notice being given to the officer in default and his sureties, render an account stated against them for the amount due, and twenty percent thereon, making, however, proper deductions for insolvencies; on which account stated suit may be maintained and when collected, the proceeds paid in the county treasury. ---------- (L. 1978 H.B. 1634, A.L. 1985 S.B. 5, et al.) Effective 1-01-87

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.600 - Copy of judgment of conviction to sheriff.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.600. Copy of judgment of conviction to sheriff. —Whenever a sentence of imprisonment in a county jail shall be pronounced upon any person convicted of any offense, the clerk of the court shall, as soon as may be, make out and deliver to the sheriff of the county a transcript of the entry of such conviction, and of the sentence thereupon, duly certified by such clerk, which shall be sufficient authority to such sheriff to execute such sentence, and he shall execute the same accordingly. ---------- (RSMo 1939 § 4105) Prior revisions: 1929 § 3716; 1919 § 4060; 1909 § 5266 CROSS REFERENCE: Appeal or writ of error not to act as stay of execution, exceptions, 547.130 to 547.190, 547.330

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.610 - Copy of commitment to sheriff — prisoner, how and where delivered.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.610. Copy of commitment to sheriff — prisoner, how and where delivered. —When any offender shall be committed to the department of corrections the clerk of the court in which the sentence was passed shall forthwith deliver a certified copy thereof to the sheriff of the county, who shall, without delay, either in person or by a general and usual deputy, cause such offender to be transported to a place designated by the director of the department of corrections and delivered to the chief administrative officer thereof. ---------- (RSMo 1939 § 4106, A.L. 1971 S.B. 293, A.L. 1990 H.B. 974) Prior revisions: 1929 § 3717; 1919 § 4061; 1909 § 5267 CROSS REFERENCE: Commitments to state penal institutions, how made, 217.305

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.620 - Power of sheriff to summon aid.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.620. Power of sheriff to summon aid. —Such sheriff or deputy, while conveying a convict to the penitentiary, shall have the same power and like authority to require the assistance of any citizen of this state in securing such convict, and retaking him if he shall escape, as if such sheriff or deputy were in the county in which he is such officer; and all persons who shall neglect or refuse to assist such sheriff or deputy, when required, shall be liable to the same penalties as if such officer were in his own county. ---------- (RSMo 1939 § 4107) Prior revisions: 1929 § 3718; 1919 § 4062; 1909 § 5268

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.650 - Court may require security to keep the peace.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.650. Court may require security to keep the peace. —The court before which any person shall be convicted of any criminal offense shall have power, in addition to the sentence prescribed or authorized by law, to require such person to give security to keep the peace or be of good behavior, or both, for a term not exceeding two years, or to stand committed until such security be given. ---------- (RSMo 1939 § 4097) Prior revisions: 1929 § 3708; 1919 § 4052; 1909 § 5258

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.660 - Section 546.650 construed.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.660. Section 546.650 construed. —Section 546.650 shall not extend to convictions for writing or publishing any libel; nor shall any such security be hereafter required by any court upon any complaint, prosecution or conviction for any such writing or publishing. ---------- (RSMo 1939 § 4098) Prior revisions: 1929 § 3709; 1919 § 4053; 1909 § 5259

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.670 - Recognizance, when broken.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.670. Recognizance, when broken. —No recognizance given under the provisions of section 546.650 shall be deemed to be broken, unless the principal therein be convicted of some offense amounting, in judgment of law, to a breach of such recognizance. ---------- (RSMo 1939 § 4099) Prior revisions: 1929 § 3710; 1919 § 4054; 1909 § 5260

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.680 - Capital cases, duty of court.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.680. Capital cases, duty of court. —When judgment of death is rendered by any court of competent jurisdiction, a warrant signed by the judge and attested by the clerk under the seal of the court must be drawn and delivered to the sheriff. It must state the conviction and judgment and appoint a day on which the judgment must be executed, which must not be less than thirty nor more than sixty days from the date of judgment, and must direct the sheriff to

deliver the defendant, at a time specified in said order, not more than ten days from the date of judgment, to the chief administrative officer of a correctional facility of the department of corrections, for execution. ---------- (RSMo 1939 § 4108, A.L. 1988 H.B. 1340 & 1348) Prior revisions: 1929 § 3719; 1919 § 4063; 1909 § 5269

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.690 - Statement of conviction and judgment to governor.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.690. Statement of conviction and judgment to governor. —The judge of a court at which a conviction is had must, immediately after the conviction, transmit to the governor of the state, by mail or otherwise, a statement of the conviction and judgment. ---------- (RSMo 1939 § 4109) CROSS REFERENCE: Pardons, governor's powers, conditions and restrictions, 217.800

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.700 - Sentence not executed, procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.700. Sentence not executed, procedure. —Whenever, for any reason, any convict sentenced to the punishment of death shall not have been executed pursuant to such sentence, and the cause shall stand in full force, the supreme court, or the court of the county in which the conviction was had, on the application of the prosecuting attorney, shall issue a writ of habeas corpus to bring such convict before the court; or if he be at large, a warrant for his apprehension may be issued by such court, or any judge thereof. ---------- (RSMo 1939 § 4110) Prior revisions: 1929 § 3720; 1919 § 4064; 1909 § 5270 CROSS REFERENCE: Habeas corpus, generally, Chap. 532

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.710 - Execution warrant issued to the director of department of corrections for execution of offender.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.710. Execution warrant issued to the director of department of corrections for execution of offender. —Upon such convicted offender being brought before the court, they shall proceed to inquire into the facts, and if no legal reasons exist against the execution of sentence, such court shall issue a warrant to the director of the department of corrections, for the execution of the prisoner at the time therein specified, which execution shall be obeyed by the director accordingly. ---------- (RSMo 1939 § 4111, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 974, A.L. 1995 H.B. 424) Prior revisions: 1929 § 3721; 1919 § 4065; 1909 § 5271

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.720 - Death penalty — manner of execution — execution team to be selected, members, confidentiality.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.720. Death penalty — manner of execution — execution team to be selected, members, confidentiality. —1. The manner of inflicting the punishment of death shall be by the administration of lethal gas or by means of the administration of lethal injection. And for such purpose the director of the department of corrections is hereby authorized and directed to provide a suitable and efficient room or place, enclosed from public view, within the walls of a correctional facility of the department of corrections, and the necessary appliances for carrying into execution the death penalty by means of the administration of lethal gas or by means of the administration of lethal injection. 2. The director of the department of corrections shall select an execution team which shall consist of those persons who administer lethal gas or lethal chemicals and those persons, such as medical personnel, who provide direct support for the administration of lethal gas or lethal chemicals. The identities of members of the execution team, as defined in the execution protocol of the department of corrections, shall be kept confidential. Notwithstanding any provision of law to the contrary, any portion of a record that could identify a person as being a current or former member of an execution team shall be privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for disclosure to any person or entity, the remainder of such record shall not be privileged or closed unless protected from disclosure by law. The section of an execution protocol that directly relates to the administration of lethal gas or lethal chemicals is an open record, the remainder of any execution protocol of the department of corrections is a closed record. 3. A person may not, without the approval of the director of the department of corrections, knowingly disclose the identity of a current or former member of an execution team or disclose a record knowing that it could identify a person as being a current or former member of an execution team. Any person whose identity is disclosed in violation of this section shall: (1) Have a civil cause of action against a person who violates this section; (2) Be entitled to recover from any such person: (a) Actual damages; and (b) Punitive damages on a showing of a willful violation of this section. 4. Notwithstanding any provision of law to the contrary, if a member of the execution team is licensed by a board or department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against the person's license because of his or her participation in a lawful execution. All members of the execution team are entitled to coverage under the state legal expense fund established by section 105.711 for conduct of such execution team member arising out of and performed in connection with his or her official duties on behalf of the state or any agency of the state, provided that moneys in this fund shall not be available for payment of claims under chapter 287. ---------- (RSMo 1939 § 4112, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 974, A.L. 2007 H.B. 820) (2015)

Confidentiality of execution team members does not constitute a content-based restriction on access to information that merits strict scrutiny under First Amendment. Zink v. Lombardi, 783 F.3d 1089 (8th Cir.). (2015) Director of Department of Corrections has some connection with enforcement of section and thus Ex parte Young exception to Eleventh Amendment immunity applies to permit suit against such officer. American Civil Liberties Union of Missouri v. Lombardi, 59 F.Supp.3d 954 (W.D.Mo.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.730 - Place of executing judgment of death, duties of director.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.730. Place of executing judgment of death, duties of director. —A judgment of death must be executed within a correctional center of the department of corrections; and such execution shall be under the supervision and direction of the director of the department of corrections. ---------- (RSMo 1939 § 4113, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 974, A.L. 1995 H.B. 424)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.740 - Execution, witnesses.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.740. Execution, witnesses. —The chief administrative officer of the correctional center, or his duly appointed representative shall be present at the execution and the director of the department of corrections shall invite the presence of the attorney general of the state, and at least eight reputable citizens, to be selected by him; and he shall at the request of the defendant, permit such clergy or religious leaders, not exceeding two, as the defendant may name, and any person, other than another incarcerated offender, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution; but no person under twenty-one years of age shall be allowed to witness the execution. ---------- (RSMo 1939 § 4114, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 974, A.L. 1995 H.B. 424) Prior revisions: 1929 § 3724; 1919 § 4068; 1909 § 5274 (2014) Specific duties imposed under section prevail over general statutory discretion granted by subsection 6 of section 217.025; warden therefore lacked discretion to deny defendant's request to have non-incarcerated defendant present at his execution. State ex rel. Taylor v. Russell, 449 S.W.3d 380 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.750 - Warrant of execution, how returned.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.750. Warrant of execution, how returned. —After the execution the chief administrative officer of the correctional facility shall make a return upon the death warrant to the court by which the judgment was rendered, showing the time, mode and manner in which it was executed. ---------- (RSMo 1939 § 4115, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 974) Prior revisions: 1929 § 3725; 1919 § 4069; 1909 § 5275

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.800 - Pregnancy of female convict under death sentence — proceedings.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.800. Pregnancy of female convict under death sentence — proceedings. —If, after any female convict shall be sentenced to the punishment of death, the officer having charge of her person shall have reason to suspect that she is pregnant, he shall in like manner summon a jury of six persons, not less than three of whom shall be physicians, and shall give notice thereof to the prosecuting attorney of the county where such criminal proceedings originated, or to the circuit attorney of the city of St. Louis, if such criminal proceedings originated in that city, who shall attend, and the proceedings shall be had as provided. ---------- (RSMo 1939 § 4196, A.L. 1969 p. 77) Prior revisions: 1929 § 3806; 1919 § 4152; 1909 § 5360

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.810 - If found pregnant — sentence suspended.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.810. If found pregnant — sentence suspended. —The inquisition shall be signed by the jury and the officer in charge of such convict, and if it appear that such female convict is pregnant with child, her execution shall be suspended and the inquisition shall be transmitted to the governor. ---------- (RSMo 1939 § 4197) Prior revisions: 1929 § 3807; 1919 § 4153; 1909 § 5361

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.820 - Execution ordered when causes for suspension cease.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.820. Execution ordered when causes for suspension cease. —Whenever the governor shall be satisfied that the cause of such suspension no longer exists, he shall issue his warrant, appointing a day for the execution of such convict, pursuant to her sentence; or he may, at his discretion, commute her punishment to imprisonment in the penitentiary for life. ---------- (RSMo 1939 § 4198) Prior revisions: 1929 § 3808; 1919 § 4154; 1909 § 5362

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.860 - All property bound for fine and costs.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.860. All property bound for fine and costs. —The property, real and

personal, of any person charged with a criminal offense, shall be bound from the time of his final conviction of such offense, for the payment of all fines and costs which he may be adjudged to pay. ---------- (RSMo 1939 § 4119) Prior revisions: 1929 § 3729; 1919 § 4073; 1909 § 5279

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.870 - Executions shall issue, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.870. Executions shall issue, when. —It shall be the duty of the clerk of the court having criminal jurisdiction for the county at the end of each term, to issue executions for all fines imposed, and the costs of conviction in criminal cases, during the term and remaining unpaid, which shall be executed in the same manner as executions in civil cases; and the property of the defendant may be seized and sold thereon, notwithstanding he may be in custody for the same demand. ---------- (RSMo 1939 § 4120) Prior revisions: 1929 § 3730; 1919 § 4074; 1909 § 5280

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.880 - May be consigned to workhouse, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.880. May be consigned to workhouse, when. —Whenever any person shall, because of a conviction for any misdemeanor or felony, be subject to imprisonment in a county jail, such person may, at the discretion of the court, be confined in any workhouse or other place of imprisonment belonging to any town or city in such county, or in any incorporated city from which said county has been separated by law; provided, the county commission of such county shall have contracted or agreed with the town or city owning such workhouse or other place of confinement for the custody and keeping of such convicts; and cities or towns having no workhouse or houses shall have authority to work convicted persons on the streets, bridges or other public works in such city or town. ---------- (RSMo 1939 § 4121) Prior revisions: 1929 § 3731; 1919 § 4075; 1909 § 5281

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.881 - St. Louis City workhouse, commitment.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.881. St. Louis City workhouse, commitment. —1. Every person committed to the workhouse of the city of St. Louis, or other place of punishment provided by that city, by the circuit court of the city of St. Louis, shall be put to hard labor at such work as his or her strength and health will permit, whether within or without such place of imprisonment, and shall be under the control and management of those having charge of such prison, subject to such rules and regulations as the municipal assembly of St. Louis City may establish for such prisons. 2. If the party committed is unwilling although able to pay the fine and costs, if such be the punishment for the offense, in whole or in part, in payment of such fines and costs, the party committed shall be allowed for his or her work at the rate of ten dollars per day. No imprisonment for nonpayment of fine and costs shall exceed six months. 3. When a fine is assessed by the circuit court of the city of St. Louis the court may provide for the payment of the fine and costs on an installment basis under such terms and conditions as the court deems appropriate. 4. Any person, after being committed to the workhouse or other place of imprisonment provided by the city of St. Louis, for nonpayment of his or her fine and costs, desiring to pay same, shall make application to the judge of said court, who shall in open court order the fine and all costs of such person to be paid to the clerk of said court, whose duty it shall be to receive same, enter satisfaction on the execution in his execution book, and give notice in writing, under the seal of said court, to the superintendent or person having charge and control of said workhouse, that the execution against such person has been fully satisfied, whereupon such person shall immediately be discharged from said workhouse or place of punishment. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.890 - Persons committed to workhouse imprisoned for full term.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.890. Persons committed to workhouse imprisoned for full term. —All persons committed to any workhouse or other places of confinement under the provisions of section 546.880 shall be imprisoned for the full term of their sentence, unless sooner discharged by due course of law. ---------- (RSMo 1939 § 4122) Prior revisions: 1929 § 3732; 1919 § 4076; 1909 § 5282

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.900 - Stay of execution granted, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.900. Stay of execution granted, when. —In case of a conviction for any offense where the punishment has been fixed at a fine or imprisonment in the county jail, or workhouse, or by both such fine and imprisonment, the court in which any such conviction was had, or the judge thereof in vacation, or any associate circuit judge before whom such conviction was had, may, for good cause shown, by order entered of record, or in writing signed by such judge or associate circuit judge, grant a stay of execution on any such judgment of conviction and sentence thereon for a definite period of time to be fixed by the court, judge or associate circuit judge granting the same, not to exceed six months, upon the defendant or some person for him entering a recognizance conditioned for his surrendering himself in execution at the time and place fixed by the

judgment of such conviction or sentence on a day to be named in such order. ---------- (RSMo 1939 § 4129) Prior revisions: 1929 § 3739; 1919 § 4085; 1909 § 5291

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 546 - Trials, Judgments and Executions in Criminal CasesSection 546.902 - Municipalities in St. Louis County, authority to enact ordinances and enforce them with fines or imprisonment.

Title XXXVII CRIMINAL PROCEDURE Chapter 546 546.902. Municipalities in St. Louis County, authority to enact ordinances and enforce them with fines or imprisonment. —Any municipality located within any county of the first classification with a population in excess of nine hundred thousand, for any purpose or purposes mentioned in this chapter, may enact and make all necessary ordinances, rules and regulations; and they may enact and make all such ordinances and rules, not inconsistent with the laws of the state, as may be expedient for maintaining the peace and good government and welfare of the city and its trade and commerce; and all ordinances may be enforced by prescribing and inflicting upon its inhabitants, or other persons violating the same, such fine not exceeding one thousand dollars, and such imprisonment not exceeding three months, or both such fine and imprisonment, as may be just for any offense, recoverable with costs of suit, together with judgment of imprisonment, until the fine and costs are paid or satisfied; and any person committed for the nonpayment of fine and costs, or either, may be compelled to work out the same as herein provided; but, in any case wherein the penalty for an offense is fixed by any statute, the council shall affix the same penalty by ordinance for the punishment of such offense, except that imprisonments, when made under city ordinances, may be in the city prison or workhouse instead of the county jail. ---------- (L. 1995 H.B. 424 § 8)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.010 - New trials.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.010. New trials. —Verdicts may be set aside, and new trials awarded on the application of the defendant. A new trial is a reexamination of the issue in the same court; the former verdict shall not be used or referred to on the subsequent trial, either in the evidence or argument. ---------- (RSMo 1939 § 4123) Prior revisions: 1929 § 3733; 1919 § 4077; 1909 § 5283

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.020 - New trials — when granted.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.020. New trials — when granted. —The court may grant a new trial for the following causes, or any of them: (1) When the jury has received any evidence, papers or documents, not authorized by the court, or the court has admitted illegal testimony, or excluded competent and legal testimony, or for newly discovered evidence; (2) When the jury has been separated without leave of the court, after retiring to deliberate upon their verdict, or has been guilty of any misconduct tending to prevent a fair and due consideration of the case; (3) When the verdict has been decided by means other than a fair expression of opinion on the part of all the jurors; (4) When the court has misdirected the jury in a material matter of law; (5) When the verdict is contrary to the law or evidence. ---------- (RSMo 1939 § 4124) Prior revisions: 1929 § 3734; 1919 § 4078; 1909 § 5284 (1952) Where jurors during trial were transported by sheriff and deputy sheriffs to and were quartered in residence nineteen miles from courthouse, and doctors were called and administered "shots" to two jurors in presence of sheriff both at said residence and at courthouse and some of jurors retired to restroom while others remained outside all in presence of sheriff, there was no prejudicial error. State v. Rose (Mo.), 249 S.W.2d 324. (1953) Where in burglary case sheriff, who was one of the state's main witnesses, was observed talking to juror about a burglary case after close of evidence but before submission and the state made no showing whatever that juror was not subjected to improper influence, the verdict against defendant should be set aside. State v. Jones, 363 Mo. 998, 255 S.W.2d 801. (1956) Where juror on voir dire in robbery prosecution failed to disclose that accessories on his automobile had disappeared and testified that such accessories were of small value and that he had forgotten the incident, the verdict would not be disturbed. State v. Townzell (Mo.), 286 S.W.2d 785.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.030 - Motion for new trial.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.030. Motion for new trial. —The motion for a new trial shall be in writing and must set forth in detail and with particularity, in separate numbered paragraphs, the specific grounds or causes therefor. Such motion shall be filed before judgment and within four days after the return of the verdict; provided, on application of defendant, the court may extend the time for filing such motion for a period of thirty days; provided further, the court shall have no power to make another or further extension of the time for filing said motion. ---------- (RSMo 1939 § 4125) Prior revisions: 1929 § 3735; 1919 § 4079; 1909 § 5285 1952) Assignments in motion for new trial that jury verdict was against weight of the evidence and against the law and evidence present nothing for consideration on appeal. State v. Johnson (Mo.), 248 S.W.2d 654; (1952) State v. Politte (Mo.), 249 S.W.2d 366. (1952) Assignment in motion for new trial "That the court erred in overruling and denying motion to quash search warrant, sheriff's return thereon and to suppress evidence secured thereunder" held not to preserve action of court for review. State v. Tebbe (A.), 249 S.W.2d 172. (1953) Court could not review refusal of trial court to give instruction converse to state's main instruction where new trial motion assigned only failure to instruct upon all the law of the case. State v. Dennis (Mo.),

242 S.W.2d 534. (1953) Assignment in motion for new trial that certain instructions "did not properly declare the law of the case" presents nothing for review. State v. Bledsoe, 254 S.W.2d 618. (1953) Failure to specify error in giving instruction in motion for new trial, prevents consideration thereof on appeal. State v. Boyd (Mo.), 256 S.W.2d 765. (1953) An assignment that "the verdict of the jury is against the evidence and the law in this case" is insufficient to preserve anything for review. State v. Gaddy (Mo.), 261 S.W.2d 65. (1954) Objections to instructions on ground they conflicted and commented on evidence will be disregarded when facts on which the objections are made are not stated. State v. Hathaway (Mo.), 269 S.W.2d 57. (1954) General assignments of error held insufficient to present anything for review. State v. McBrayer (Mo.), 269 S.W.2d 756. (1954) Allegation in motion for new trial that court erred in giving all of state's instructions preserved nothing for review. State v. Riley (Mo.), 270 S.W.2d 741. (1954) Allegation in motion for new trial that court erred in giving all of state's instructions preserved nothing for review. State v. Riley (Mo.), 270 S.W.2d 741. (1955) Motion for new trial filed after the expiration of the time allowed by law for its filing is a nullity. State v. Clark (Mo.), 277 S.W.2d 593. (1956) Assignment that court erred in "admitting evidence which was obtained by unlawful search and seizure" over objection held to preserve nothing for review where no complaint was made as to the denial of a motion to suppress. State v. Lord (Mo.), 286 S.W.2d 737. (1958) Where judgment was rendered on May 17, 1957, and motion for new trial was not filed until May 22 and overruled Aug. 16, 1957, notice of appeal filed Aug. 17, 1957, was not timely filed and appellate court had no jurisdiction of appeal. State v. Laurisden (A.), 318 S.W.2d 511. (1959) Where defendant objected at trial to admission of evidence as hearsay, but in motion for new trial assigned as error the admission of the same evidence only as "highly inflammatory" the alleged error was not preserved for review. State v. Hernandez (Mo.), 325 S.W.2d 494. (1960) Where motion for new trial assigned only the giving of the principal instruction in narcotics apparatus possession case as error, a subsequent contention that court failed to instruct on the intent with which devices were possessed could not be considered on appeal. State v. Scott (Mo.), 333 S.W.2d 41. (1960) In appeal from conviction of burglary and larceny where motion for new trial failed to set forth in detail and with particularity the specific grounds therefor the court would not review the assignments of error but would consider sufficiency of information since it was a part of the record and since assignment that "court erred in denying defendant's motion for directed verdict of acquittal at the close of all the evidence" is equivalent of claim of "no substantial evidence to support verdict" court would review sufficiency of evidence. State v. Mallory (Mo.), 336 S.W.2d 383. (1961) Where court granted defendant thirty days from date of verdict to file motion for new trial and motion was timely filed but petition to amend motion was not filed until seventy-two days after verdict, the amended assignment was not timely filed. State v. Small (Mo.), 344 S.W.2d 49.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.031 - Information of innocence of convicted person — prosecuting or circuit attorney may file to vacate or set aside judgment — procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.031. Information of innocence of convicted person — prosecuting or circuit attorney may file to vacate or set aside judgment — procedure. —1. A prosecuting or circuit attorney, in the jurisdiction in which charges were filed, may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which charges were filed shall have jurisdiction and authority to consider, hear, and decide the motion. 2. Upon the filing of a motion to vacate or set aside the judgment, the court shall order a hearing and shall issue findings of fact and conclusions of law on all issues presented. The attorney general shall be given notice of hearing of such a motion by the circuit clerk and shall be permitted to appear, question witnesses, and make arguments in a hearing of such a motion. 3. The court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings, including state or federal habeas actions; and the information and evidence presented at the hearing on the motion. 4. The prosecuting attorney or circuit attorney shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The attorney general may file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney. ---------- (L. 2021 S.B. 53 & 60, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.035 - Postconviction DNA testing for persons in the custody of the department — motion, contents — procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.035. Postconviction DNA testing for persons in the custody of the department — motion, contents — procedure. —1. A person in the custody of the department of corrections claiming that forensic DNA testing will demonstrate the person's innocence of the crime for which the person is in custody may file a postconviction motion in the sentencing court seeking such testing. The procedure to be followed for such motions is governed by the rules of civil procedure insofar as applicable. 2. The motion must allege facts under oath demonstrating that: (1) There is evidence upon which DNA testing can be conducted; and (2) The evidence was secured in relation to the crime; and (3) The evidence was not previously tested by the movant because: (a) The technology for the testing was not reasonably available to the movant at the time of the trial; (b) Neither the movant nor his or her trial counsel was aware of the existence of the evidence at the time of trial; or (c) The evidence was otherwise unavailable to both the movant and movant's trial counsel at the time of trial; and (4) Identity was an issue in the trial;

and (5) A reasonable probability exists that the movant would not have been convicted if exculpatory results had been obtained through the requested DNA testing. 3. Movant shall file the motion and two copies thereof with the clerk of the sentencing court. The clerk shall file the motion in the original criminal case and shall immediately deliver a copy of the motion to the prosecutor. 4. The court shall issue to the prosecutor an order to show cause why the motion should not be granted unless: (1) It appears from the motion that the movant is not entitled to relief; or (2) The court finds that the files and records of the case conclusively show that the movant is not entitled to relief. 5. Upon the issuance of the order to show cause, the clerk shall notify the court reporter to prepare and file the transcript of the trial or the movant's guilty plea and sentencing hearing if the transcript has not been prepared or filed. 6. If the court finds that the motion and the files and records of the case conclusively show that the movant is not entitled to relief, a hearing shall not be held. If a hearing is ordered, counsel shall be appointed to represent the movant if the movant is indigent. The hearing shall be on the record. Movant need not be present at the hearing. The court may order that testimony of the movant shall be received by deposition. The movant shall have the burden of proving the allegations of the motion by a preponderance of the evidence. 7. The court shall order appropriate testing if the court finds: (1) A reasonable probability exists that the movant would not have been convicted if exculpatory results had been obtained through the requested DNA testing; and (2) That movant is entitled to relief.--Such testing shall be conducted by a facility mutually agreed upon by the movant and by the state and approved by the court. If the parties are unable to agree, the court shall designate the testing facility. The court shall impose reasonable conditions on the testing to protect the state's interests in the integrity of the evidence and the testing process. --Such testing shall be conducted by a facility mutually agreed upon by the movant and by the state and approved by the court. If the parties are unable to agree, the court shall designate the testing facility. The court shall impose reasonable conditions on the testing to protect the state's interests in the integrity of the evidence and the testing process. 8. The court shall issue findings of fact and conclusions of law whether or not a hearing is held. ---------- (L. 2001 S.B. 267)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.037 - Motion for release filed, when, procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.037. Motion for release filed, when, procedure. —1. If testing ordered pursuant to section 547.035 demonstrates a person's innocence of the crime for which the person is in custody, a motion for release may be filed in the sentencing court. 2. The court shall issue to the prosecutor an order to show cause why the motion should not be granted. The prosecutor shall file a response consenting to or opposing the motion. 3. If the prosecutor consents to the motion and if the court finds that such testing demonstrates the movant's innocence of the crime for which he or she is in custody, the court shall order the movant's release from the sentence for the crime for which testing occurred. 4. If the prosecutor files a response opposing the movant's release, the court shall conduct a hearing. If a hearing is ordered, the public defender shall be appointed to represent the movant if the movant is indigent. The hearing shall be on the record. The movant shall have the burden of proving the allegations of the motion by a preponderance of the evidence. 5. If the court finds that the testing ordered pursuant to section 547.035 demonstrates the movant's innocence of the crime for which he or she is in custody, the court shall order the movant's release from the sentence for the crime for which the testing occurred. Otherwise, relief shall be denied the movant. 6. The court shall issue findings of fact and conclusions of law whether or not a hearing is held. An appeal may be taken from the court's findings and conclusions as in other civil cases. ---------- (L. 2001 S.B. 267)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.040 - Motion in arrest of judgment — abolished.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.040. Motion in arrest of judgment — abolished. —The motion in arrest of judgment is hereby abolished, and hereafter all the rights which heretofore could have been saved by the defendants in a motion in arrest, and which have not been waived by failure to make timely objections, may be saved in the motion for a new trial. ---------- (RSMo 1939 § 4126) Prior revisions: 1929 § 3736; 1919 § 4080; 1909 § 5286

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.050 - Court of its own motion may arrest judgment.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.050. Court of its own motion may arrest judgment. —Judgment shall be arrested or set aside whenever it shall be made to appear to the court that the grand jury which found the indictment had no legal authority to inquire into the offense charged; or that the facts stated do not constitute any offense under the laws of this state; and the effect of such an arrest of judgment shall be to place the defendant in the same situation in which he was before indictment was found or information filed and the court may upon its view of any of these defects, arrest the judgment without motion. ---------- (RSMo 1939 § 4127) Prior revisions: 1929 § 3737; 1919 § 4081; 1909 § 5287

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.060 - In cases of arrest, court may order prisoner recommitted.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.060. In cases of arrest, court may order prisoner recommitted. —When judgment is arrested in any case, and there is reasonable ground to believe that the defendant can be convicted of an offense, if properly charged, the court may order the defendant to be recommitted or admitted to bail anew to answer a new indictment or

information. ---------- (RSMo 1939 § 4128) Prior revisions: 1929 § 3738; 1919 § 4084; 1909 § 5290

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.070 - Appeals — when granted.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.070. Appeals — when granted. —In all cases of final judgment rendered upon any indictment or information, an appeal to the proper appellate court shall be allowed to the defendant, provided, defendant or his attorney of record shall during the term at which the judgment is rendered file his written application for such appeal. ---------- (RSMo 1939 § 4130) Prior revisions: 1929 § 3740; 1919 § 4086; 1909 § 5292 (1951) Where no appeal was applied for within the time provided by this section and no writ of error was applied for or issued within time fixed by supreme court rule 1.34, the supreme court has no jurisdiction of the appeal. State v. Smith (Mo.), 242 S.W.2d 515. (1952) Where record showed motion for new trial filed and overruled but failed to show allocution, sentence and judgment, appeal was premature and cause must be remanded. State v. Bledsoe (Mo.), 249 S.W.2d 457; (1952) State v. Skaggs (Mo.), 248 S.W.2d 635. (1957) Notice of appeal procedure specified by supreme court rule 28.03 has superseded this statute. State v. Amsden (Mo.), 299 S.W.2d 498. (1984) A suspended imposition of sentence is not a final judgment for purposes of appeal. State v. Lynch (Mo. banc), 679 S.W.2d 858. (1994) Defendant may not appeal from conviction in which imposition of sentence was suspended, because suspended imposition of sentence is not final appealable judgment as required by section. State v. Detherage, 869 S.W.2d 293 (Mo. App. E.D.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.080 - Writs of error.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.080. Writs of error. —Writs of error upon any such final judgment are writs of right, and, on application therefor, shall issue of course, in vacation as well as in term, out of the court in which by law they may be made returnable. ---------- (RSMo 1939 § 4131) Prior revisions: 1929 § 3741; 1919 § 4087; 1909 § 5293

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.090 - Appeals in felony cases, within what time.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.090. Appeals in felony cases, within what time. —If any person taking an appeal to the supreme court on conviction for a felony, other than those wherein the defendant shall have been sentenced to suffer death, shall fail to perfect the appeal within six months from the time the appeal is granted, unless good and sufficient cause for not perfecting his appeal be shown to the trial court, for which reason the trial court, or the judge of the trial court in vacation, may extend this time for the period of ninety days, the attorney general may file his motion before the supreme court asking that the appeal may be dismissed or that the judgment of the trial court may be affirmed, whereupon the court shall make an order that the appeal be dismissed, or that the judgment of the trial court be affirmed, as the case may be, unless the defendant shall show to the satisfaction of the court good cause for not perfecting his appeal. ---------- (RSMo 1939 § 4151, A.L. 1941 p. 342) Prior revisions: 1929 § 3761; 1919 § 4107; 1909 § 5313 (1955) Trial judge under supreme court rule 3.26 has no authority to extend time for filing of transcript beyond six months from day notice of appeal was filed. State v. Grant (Mo.), 275 S.W.2d 332.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.100 - Appeals in misdemeanor cases — procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.100. Appeals in misdemeanor cases — procedure. —If any person taking an appeal from the circuit court on a conviction for a misdemeanor shall fail to perfect the appeal within six months from the time the appeal is granted, the prosecuting attorney may file his motion before the court in which the conviction was had, asking that the appeal may be dismissed and the order granting the appeal be set aside; whereupon the court shall make an order that the appeal be dismissed and the order granting the appeal be set aside and for naught held, unless the defendant shall show to the satisfaction of the court good cause for not perfecting his appeal, in which case the court may overrule the motion, and from the date of making such order dismissing the appeal, the judgment shall be and remain in force the same as if no appeal had been granted. ---------- (RSMo 1939 § 4152, A.L. 1978 H.B. 1634) Prior revisions: 1929 § 3762; 1919 § 4108 Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.110 - Transcript on appeal prepared by clerk, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.110. Transcript on appeal prepared by clerk, when. —When any appeal shall be taken or writ of error issued, which shall operate as a stay of proceedings, it shall be the duty of the clerk of the court in which the proceedings were had to make out a full transcript of the record in the cause including the bill of exceptions, judgment and sentence, and certify and transmit same to the office of the clerk of the proper appellate court without delay; provided, however, that any abbreviated or partial transcript of the evidence and oral proceedings, in narrative form or otherwise which the defendant or his attorney for the state may agree upon in writing as sufficiently presenting to the appellate court the issues involved on such appeal, shall be deemed and taken as sufficient on such appeal and shall by the clerk be incorporated in the transcript of the record certified and transmitted by him to the appellate court, instead of the bill of exceptions mentioned above. ---------- (RSMo 1939 § 4146) Prior revisions: 1929 § 3756; 1919 § 4102; 1909 § 5308 CROSS REFERENCES: Amendment of record by trial court while

cause pending on appeal, 546.090 Exceptions and transcripts, generally, 546.370 (1952) Appellant is required to furnish full transcript including judgment and sentence, but where record is certified to be a true and complete transcript by the clerk, appellant has performed his duty, and appeal will not be dismissed. State v. Skaggs (Mo.), 248 S.W.2d 635.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.120 - Transcript prepared by appellant, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.120. Transcript prepared by appellant, when. —When the appeal or writ of error does not operate as a stay of proceedings, such transcript shall be made out, certified and returned, on the application of the appellant or plaintiff in error, as in civil cases, except that the costs of the transcript shall not be required in advance. ---------- (RSMo 1939 § 4147) Prior revisions: 1929 § 3757; 1919 § 4103; 1909 § 5309 (1954) Where a death penalty is imposed and appeal taken, clerk is required to make out and return transcript to Supreme Court but in other cases appellant himself must see that his appeal is duly perfected. Turner v. Eidson (C.C.A.), 215 F.2d 728.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.130 - Stay of execution, when — exceptions.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.130. Stay of execution, when — exceptions. —No such appeal or writ shall stay or delay the execution of such judgment or sentence, except in capital cases, unless the supreme court, or a judge thereof, or the court in which the judgment was rendered, or the judge of such court, on inspection of the record, shall be of opinion that there is probable cause for such an appeal or writ of error, or so much doubt as to render it expedient to take the judgment of the supreme court thereon, and shall make an order expressly directing that such appeal or writ of error shall operate as a stay of proceedings on the judgment; but in capital cases the order granting the appeal shall operate as such stay absolutely. ---------- (RSMo 1939 § 4132) Prior revisions: 1929 § 3742; 1919 § 4088; 1909 § 5294

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.140 - Suspension of judgment.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.140. Suspension of judgment. —If the court in which the judgment was rendered, or the judge thereof, refuse such order, he shall nevertheless suspend the execution of the judgment, except as to fine and costs, if necessary, to allow sufficient time to make application to the supreme court, or a judge thereof, for such order. ---------- (RSMo 1939 § 4133) Prior revisions: 1929 § 3743; 1919 § 4089; 1909 § 5295

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.150 - Stay of proceedings and writ of error to be filed.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.150. Stay of proceedings and writ of error to be filed. —When any order to stay proceedings shall be made by the supreme court, or by any judge in vacation, the same, together with the writ of error, if any, shall be filed with the clerk of the court in which the judgment was rendered, who shall furnish the party filing the same with a certificate thereof, together with a copy of the order. ---------- (RSMo 1939 § 4134) Prior revisions: 1929 § 3744; 1919 § 4090; 1909 § 5296

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.160 - Sheriff to keep prisoner in custody, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.160. Sheriff to keep prisoner in custody, when. —If the defendant in the judgment so ordered to be stayed shall be in custody, it shall be the duty of the sheriff, if the order were made by the court rendering the judgment, or upon being served with the clerk's certificate and a copy of the order, to keep the defendant in custody without executing the sentence which may have been passed, to abide such judgment as may be rendered upon the appeal or the writ of error. ---------- (RSMo 1939 § 4135) Prior revisions: 1929 § 3745; 1919 § 4091; 1909 § 5297

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.170 - Prisoner, when let to bail.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.170. Prisoner, when let to bail. —In all cases where an appeal or writ of error is prosecuted from a judgment in a criminal cause, except where the defendant is under sentence of death or imprisonment in the penitentiary for life, or any sentence of imprisonment for a violation of sections 579.065*, 565.021, 565.050, section 566.030, 566.032, 566.040, 566.060, 566.062, 566.070, 566.100, or where the defendant has entered a plea of guilty to or been found guilty of any sexual offense under chapter 566, where the victim was less than seventeen years of age at the time the crime was committed, any sexual offense under chapter 568, where the victim was less than seventeen years of age at the time the crime was committed, or any pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035, 573.037, and 573.040, any court or officer authorized to order a stay of proceedings under the preceding provisions may allow a writ of habeas corpus, to bring up the defendant, and may thereupon let him to bail upon a recognizance, with sufficient sureties, to be approved by such court or judge. ---------- (RSMo 1939 § 4136, A.L. 1993 S.B. 180, A.L. 2002 S.B. 758 merged with S.B. 969, et al., A.L. 2006 H.B. 1698, et al.)

Prior revisions: 1929 § 3746; 1919 § 4092; 1909 § 5298 Effective 6-05-06 *Section 195.222 was transferred to section 579.065 by S.B. 491, 2014, effective 1-01-17. CROSS REFERENCE: No bail, certain defendants, certain offenses, 544.671 (1975) Unwillingness of private bondsman to underwrite petitioner's release is no basis for a writ of habeas corpus. Application of Holt (A.), 518 S.W.2d 451.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.180 - Condition of recognizance — felony cases.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.180. Condition of recognizance — felony cases. —The recognizance shall, in case of felonies not excepted in section 547.170, be conditioned that the defendant shall appear in the supreme court at the next term thereof, to receive judgment on the appeal or writ of error, and in the court in which the trial or indictment shall have been had, if the supreme court shall so order, and at such time and place as such court shall direct, and that he will render himself in execution, and obey every order and judgment which shall be made in the premises. ---------- (RSMo 1939 § 4137) Prior revisions: 1929 § 3747; 1919 § 4093; 1909 § 5299

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.190 - Recognizance on appeal — misdemeanor cases.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.190. Recognizance on appeal — misdemeanor cases. —Where an appeal or writ of error is prosecuted from a judgment in case of misdemeanor, or in case the appeal is taken by the state, the recognizance shall be conditioned that the defendant shall appear in the court in which the judgment shall have been rendered at such time and place as the appellate court shall direct, and that he will render himself in execution, and obey any order or judgment which shall be made in the premises. ---------- (RSMo 1939 § 4138) Prior revisions: 1929 § 3748; 1919 § 4094; 1909 § 5300

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.200 - Appeal by state.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.200. Appeal by state. —1. An appeal may be taken by the state through the prosecuting or circuit attorney from any order or judgment the substantive effect of which results in: (1) Quashing an arrest warrant; (2) A determination by the court that the accused lacks the mental capacity or fitness to proceed to trial, pursuant to section 552.020; (3) Suppressing evidence; or (4) Suppressing a confession or admission. 2. The state, in any criminal prosecution, shall be allowed an appeal in the cases and under the circumstances mentioned in section 547.210 and in all other criminal cases except in those cases where the possible outcome of such an appeal would result in double jeopardy for the defendant. The supreme court shall issue rules governing such appeals. 3. The appeal provided in subsection 1 of this section shall be an interlocutory appeal, filed in the appropriate district of the Missouri court of appeals, unless the proceedings involve a charge of capital murder or murder in the first degree, pursuant to the provisions of section 565.001 or 565.003, in which case notices of appeal shall be filed in the supreme court of Missouri. 4. Notices of appeal involving appeals under subsection 1 of this section shall be filed in the appropriate court within five days of the entry of the order of the trial court. In such appeals, the time requirements of section 545.780 shall be tolled until the decision is rendered by the appropriate appellate court. 5. The supreme court shall issue appropriate rules to facilitate the disposition of such appeals, balancing the right of the state to review the correctness of pretrial decisions of a trial court against the rights of the defendant to a speedy trial, including measures to facilitate these appeals by shortening of the time to file appellant's brief under supreme court rule 30.06(K) to ten days, and eliminations of motions for rehearing or transfer under supreme court rules 30.26 and 30.27. ---------- (RSMo 1939 § 4142, A.L. 1983 H.B. 279, A.L. 1997 S.B. 56) Prior revisions: 1929 § 3752; 1919 § 4098; 1909 § 5304 (1956) Court rule could not change the law relating to the right of appeal, so that appeal by state from order setting aside verdict in criminal case on ground evidence was insufficient to sustain conviction would be dismissed. State v. Pottinger, 365 Mo. 794, 287 S.W.2d 782. (1961) Where information was dismissed for the reason it was filed after the end of the term in which a previous indictment was filed and the defendant had had no preliminary examination the state had no right to appeal because the indictment was not held to be insufficient. State v. Ulmer (Mo.), 351 S.W.2d 7. (1985) The "good faith" exception to the exclusionary rule does not apply where the invalidity of the warrant is based on state statute. State v. Berkwit (Mo.App.E.D.), 689 S.W.2d 763.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.210 - Indictment or information insufficient, defendant held — state may appeal.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.210. Indictment or information insufficient, defendant held — state may appeal. —When any indictment or information is adjudged insufficient upon demurrer or exception, or where judgment thereon is arrested or set aside, the court in which the proceedings were had, either from its own knowledge or from information given by the prosecuting attorney that there is reasonable ground to believe that the defendant can be convicted of an offense, if properly charged, may cause the defendant to be committed or recognized to answer a new indictment or information, or if the prosecuting attorney prays an appeal to an appellate court, the court may, in its discretion, grant an appeal. ---------- (RSMo 1939 § 4143) Prior revisions: 1929 § 3753; 1919 § 4099; 1909 § 5305 (1954) Supreme Court rule as to appeals by state in criminal case does not deprive defendant of any right, and is valid since it only changes the mode of appeal, not the right. State v. Getty (Mo.), 273 S.W.2d 170.

(1963) State could not appeal from dismissal of information and discharge of defendant, in prosecution for burglary and stealing from estate of deceased, which was not based solely on failure of information to state an accusation, but was also based on stipulation by parties setting out facts in support of defendant's defense that he could not be guilty because he was a lawful heir. State v. Brooks (Mo.), 372 S.W.2d 83. (1973) Where defendant moved to dismiss on ground that it was legally incapable of committing crime under state laws, was immune to criminal liability, not criminally liable for any criminal acts of its agents or employees and was not included within those enumerated legal entities subject to fish and game code, there was no attack upon "sufficiency of the accusation", and Court of Appeals had no jurisdiction to review, on state's appeal, grant of the motion. State v. Little River Drainage District (A.), 490 S.W.2d 675. (1977) Held, procedure for state to appeal has been changed by Ct. Rule 28.04, and application to trial court to appeal is no longer required. State v. Adams (A.), 546 S.W.2d 550.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.220 - Defendant to make recognizance in cases of appeal.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.220. Defendant to make recognizance in cases of appeal. —If an appeal be granted, the court below shall order the defendant to be committed or recognized, and the recognizance shall be to the same effect as the recognizance required when the defendant himself is appellant; and the party, if committed, shall be held in custody until the judgment of the supreme court shall have been passed on the case, to abide such judgment. ---------- (RSMo 1939 § 4144) Prior revisions: 1929 § 3754; 1919 § 4100; 1909 § 5306

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.230 - State may sue out writ of error.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.230. State may sue out writ of error. —The prosecuting attorney may apply for and prosecute a writ of error in the supreme court, in like manner and with like effect as such writ may be prosecuted by the defendant; but in such case the defendant shall not be required to enter into any recognizance to answer further to such offense, but if the judgment of the circuit court shall be reversed, the defendant may be arrested on warrant and brought before the circuit court for judgment, or such other proceedings as the case may require. ---------- (RSMo 1939 § 4145, A.L. 1983 H.B. 279) Prior revisions: 1929 § 3755; 1919 § 4101; 1909 § 5307

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.240 - Recognizances, where certified.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.240. Recognizances, where certified. —The recognizance authorized by this chapter, if taken by the court or judge before whom the cause was tried, shall be filed with the clerk, and a transcript thereof transmitted with the record, to the supreme court, if taken by the supreme court, or any judge thereof, the clerk of the supreme court shall certify a transcript of the same to the court in which the cause was tried, and such court shall proceed thereon as on a recognizance taken in that court. ---------- (RSMo 1939 § 4148) Prior revisions: 1929 § 3758; 1919 § 4104; 1909 § 5310

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.250 - Forfeiture, where certified.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.250. Forfeiture, where certified. —If the forfeiture of the recognizance is taken in the supreme court, the same shall be certified back to the court in which the judgment was rendered; and the supreme court, in such case, and in case the defendant breaks jail, shall proceed to determine the cause, and issue a capias if necessary. ---------- (RSMo 1939 § 4149) Prior revisions: 1929 § 3759; 1919 § 4105; 1909 § 5311

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.260 - Attorney general and chief administrative officer to be notified of appeal, how, by whom.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.260. Attorney general and chief administrative officer to be notified of appeal, how, by whom. —If any person shall appeal to the supreme court from a conviction and sentence for a felony in any court in this state having the jurisdiction to try and determine felonies, the clerk thereof shall immediately notify the attorney general of the state of Missouri in writing by mail, giving the name of the appellant, the nature of the crime, the substance of the judgment and sentence, and the date of the order granting the appeal. In those cases wherein the appellant shall have been sentenced to suffer death, the clerk of the court in which the conviction was had shall also immediately give like notice to the chief administrative officer of the correctional facility of the department of corrections by registered mail, unless time requires a more expedient notice. In all cases where a person shall have been sentenced to suffer death in this state and shall file a petition for a writ of error in the supreme court, the clerk of the supreme court shall immediately give like notice to the chief administrative officer of the correctional facility of the department of corrections, of the issuance of the writ, the name of the plaintiff in error and the other facts above specified. The notice shall be conveyed in person by the marshal of the supreme court to the chief administrative officer. ---------- (L. 1941 p. 343 § 1, A.L. 1990 H.B. 974)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.270 - No assignment, or joinder in error, necessary.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.270. No assignment, or joinder in error, necessary. —No assignment of error, or joinder in error, shall be necessary upon any appeal or writ of error, in a criminal case, issued or taken pursuant to the foregoing provisions of this chapter, but the court shall proceed upon the return thereof without delay, and render judgment upon the record before them. ---------- (RSMo 1939 § 4150) Prior revisions: 1929 § 3760; 1919 § 4106; 1909 § 5312 (1964) Since defendant did not file a motion for new trial alleged errors presented in defendant's brief relative to improper cross examination of defense witness and admission of certain evidence were not preserved for review. State v. Kennebrew (Mo.), 380 S.W.2d 293.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.280 - Errors as to time or place of imprisonment, no ground for reversal.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.280. Errors as to time or place of imprisonment, no ground for reversal. —No judgment shall be reversed or set aside by the appellate court, for the reason that the judgment by virtue of which such person is confined, or from which he has prosecuted an appeal or writ of error, was erroneous as to time or place of imprisonment, but in such case it shall be the duty of the court or officer hearing the case to sentence such person to the proper place of confinement, and for the correct length of time, from and after the date of the original sentence, and to cause the officer or other person having such prisoner in charge to convey him forthwith to such designated place of imprisonment. ---------- (RSMo 1939 § 4155) Prior revisions: 1929 § 3765; 1919 § 4111; 1909 § 5316 (1951) Where fine is less than maximum required by statute it is error in favor of defendant of which he cannot complain on appeal. State v. Keith (Mo.), 241 S.W.2d 901. (1954) Where no brief was filed and transcript contained nothing beyond record proper (prior to adoption of Rule 28.08) court on appeal could only render judgment on record. State v. Smith (A.), 268 S.W.2d 48. (1973) Where defendant was charged with assault with intent to maim without malice but was convicted of assault with intent to maim with malice, the court was without jurisdiction to impose sentence and the judgment was absolutely void, not erroneous as to time, and defendant could not be resentenced. State v. Barnes (Mo.), 492 S.W.2d 729.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.290 - Supreme court shall direct execution of sentence, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.290. Supreme court shall direct execution of sentence, when. —When the appeal is taken, or the writ of error is sued out by the party indicted, if the supreme court affirm the judgment of the court below it shall direct the sentence pronounced to be executed, and the same shall be executed accordingly; if the judgment be reversed, the supreme court shall direct a new trial, or that defendant be absolutely discharged, according to the circumstances of the case. ---------- (RSMo 1939 § 4153) Prior revisions: 1929 § 3763; 1919 § 4109; 1909 § 5314

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.300 - Effect of affirmance or reversal.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.300. Effect of affirmance or reversal. —Where the appeal has been taken or writ of error sued out by the state, if the judgment of the court be affirmed, the party shall be discharged; if reversed, the supreme court shall direct the court below to enter up judgment upon the verdict rendered, or, where no verdict has been rendered, to proceed to trial on the indictment or information. ---------- (RSMo 1939 § 4154) Prior revisions: 1929 § 3764; 1919 § 4110; 1909 § 5315

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.310 - Defendant ordered arrested, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.310. Defendant ordered arrested, when. —If the defendant shall have been recognized as herein provided, and shall fail to appear and receive judgment on such appeal or writ of error, or at any new trial that may have been ordered, the supreme court or the court below in which the judgment was rendered, or any judge of either court, shall cause such defendant to be arrested, upon process to be issued for that purpose. ---------- (RSMo 1939 § 4156) Prior revisions: 1929 § 3766; 1919 § 4112; 1909 § 5317

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.320 - Cause remanded, procedure.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.320. Cause remanded, procedure. —The court to which any criminal cause shall be remanded for a new trial shall proceed therein in the same manner as if such cause had not been removed into the supreme court. ---------- (RSMo 1939 § 4157) Prior revisions: 1929 § 3767; 1919 § 4113; 1909 § 5318

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.330 - Affirmation of conviction or dismissal of appeal, execution of sentence, arrest of convict, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.330. Affirmation of conviction or dismissal of appeal, execution of sentence, arrest of convict, when. —In all cases where the conviction of a defendant is affirmed on appeal or the appeal is dismissed or withdrawn and the defendant is to be imprisoned in any jail or by the department of corrections, the court affirming or dismissing the appeal or in which the appeal is withdrawn shall direct the sentence pronounced to be executed, and for this purpose the court

shall order the marshal of the court to arrest the convict, and deliver him to the proper official. In its discretion the court may order the marshal to arrest the convict prior to the date the opinion of the court affirming the judgment in the cause is made public. ---------- (RSMo 1939 § 4139, A.L. 1982 S.B. 497) Prior revisions: 1929 § 3749; 1919 § 4095; 1909 § 5301

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.340 - Duty of marshal under execution of sentence order — warrant for arrest, issuance, authority under.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.340. Duty of marshal under execution of sentence order — warrant for arrest, issuance, authority under. —1. Where the supreme court shall make an order, as directed in section 547.330, a certified copy of the order shall be given to the marshal of the court, who may without delay issue a warrant for the arrest and transportation of the convict and who shall without delay, either in person, by such deputy marshals as the court may direct, or by any peace officer, as defined in section 542.261, arrest such convict wherever he may be found in this state, transport and deliver him to the proper officer. 2. Upon the request of any district of the court of appeals and with the consent of the supreme court, the marshal of the supreme court shall issue a warrant for the arrest and transportation of a convict where the judgment the convict appealed from has been affirmed or the appeal has been dismissed by that district of the court of appeals or the appeal filed has been withdrawn. 3. A warrant for arrest and transportation may be directed to any peace officer, as defined in section 542.261, and shall authorize that officer to arrest and transport the convict as directed by the marshal. ---------- (RSMo 1939 § 4140, A.L. 1982 S.B. 497) Prior revisions: 1929 § 3750; 1919 § 4096; 1909 § 5302

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.350 - Power of marshal in executing order.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.350. Power of marshal in executing order. —1. The marshal and his deputies, if any, while performing their official duties shall have the same power and like authority in every county of this state, in all respects, as are granted by law to sheriffs. 2. Any person executing a warrant for arrest and transportation issued by the marshal shall have the same power and like authority in all respects when executing the warrant as are granted to sheriffs. 3. The provisions of subsection 1 of this section shall only be applicable to a marshal of the supreme court certified as a peace officer as provided in sections 590.100 to 590.150. ---------- (RSMo 1939 § 4141, A.L. 1982 S.B. 497) Prior revisions: 1929 § 3751; 1919 § 4097; 1909 § 5303

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.360 - Post conviction relief.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.360. Post conviction relief. —1. A person convicted of a felony on a plea of guilty or after trial and delivered to the custody of the department of corrections who claims that the conviction or sentence imposed violates the constitution and laws of this state or the constitution of the United States, including claims of ineffective assistance of trial and appellate counsel, that the court imposing the sentence was without jurisdiction to do so, or that the sentence imposed was in excess of the maximum sentence authorized by law may seek relief in the sentencing court pursuant to the provisions of this section. This section provides the exclusive procedure by which such person may seek relief in the sentencing court for the claims enumerated. The procedure to be followed for motions filed pursuant to this section is governed by the rules of civil procedure insofar as applicable. 2. A person seeking relief pursuant to this section shall file a motion to vacate, set aside or correct the judgment or sentence substantially in the form of Criminal Procedure Form No. 40. No cost deposit shall be required. If an appeal of the judgment sought to be vacated, set aside or corrected was taken, the motion shall be filed within ninety days after the date the mandate of the appellate court is issued. If no appeal of such judgment was taken, the motion shall be filed within ninety days of the date the person is delivered to the custody of the department of corrections. Failure to file a motion within the time provided by this section shall constitute a complete waiver of any right to proceed pursuant to this section and a complete waiver of any claim that could be raised in a motion filed pursuant to this section. 3. Movant shall file the motion and two copies thereof with the clerk of the trial court. The clerk shall immediately deliver a copy of the motion to the prosecutor. Upon receipt of the motion, the clerk shall notify the sentencing judge and shall notify the court reporter to prepare and file the complete transcript of the movant's trial, guilty plea and sentencing hearing if the transcript has not yet been prepared or filed. If the motion is filed by an indigent pro se movant, the clerk shall forthwith send a copy of the motion to the counsel who is appointed to represent the movant. 4. The motion to vacate shall include every claim known to the movant for vacating, setting aside, or correcting the judgment or sentence. The movant shall declare in the motion that the movant has listed all claims for relief known to the movant and acknowledging the movant's understanding that the movant waives any claim for relief known to the movant that is not listed in the motion. 5. When an indigent movant files a pro se motion, the court shall cause counsel to be appointed for the movant. Counsel shall ascertain whether sufficient facts supporting the claims are asserted in the motion and whether the movant has included all claims known to the movant as a basis for attacking the judgment and sentence. If the motion does not assert sufficient facts or include all claims known to the movant, counsel shall file an amended motion that sufficiently alleges the additional facts and claims. If counsel determines that no amended motion shall be filed, counsel shall file a statement setting out facts demonstrating what actions were taken to ensure that: (1) All facts supporting the claims are asserted in the pro se motion; and (2) All claims known to the movant are alleged in the pro se motion.--The statement shall be presented to the movant prior to filing. The movant

may file a reply to the statement not later than ten days after the statement is filed. --The statement shall be presented to the movant prior to filing. The movant may file a reply to the statement not later than ten days after the statement is filed. 6. For good cause shown, counsel may be permitted to withdraw upon the filing of an entry of appearance by successor counsel. If appointed counsel is permitted to withdraw, the court shall cause new counsel to be appointed. If an indigent movant is seeking to set aside a death sentence, successor counsel shall have at least the same qualifications as required by section 547.370 as the withdrawing counsel. 7. Any amended motion shall be signed by movant or counsel. The amended motion shall not incorporate by reference material contained in any previously filed motion. If no appeal of the judgment sought to be vacated, set aside, or corrected is taken, the amended motion shall be filed within sixty days of the earlier of: (1) The date both a complete transcript consisting of the guilty plea and sentencing hearing has been filed in the trial court and counsel is appointed; or (2) The date both a complete transcript has been filed in the trial court and an entry of appearance is filed by any counsel that is not appointed but enters an appearance on behalf of movant.--If an appeal of the judgment sought to be vacated, set aside, or corrected is taken, the amended motion shall be filed within sixty days of the earlier of: --If an appeal of the judgment sought to be vacated, set aside, or corrected is taken, the amended motion shall be filed within sixty days of the earlier of: (3) The date both the mandate of the appellate court is issued and counsel is appointed; or (4) The date both the mandate of the appellate court is issued and an entry of appearance is filed by any counsel that is not appointed but enters an appearance on behalf of movant.--The court may extend the time for filing the amended motion for one additional period not to exceed thirty days. Any response to the motion by the prosecutor shall be filed within thirty days after the date an amended motion is required to be filed. --The court may extend the time for filing the amended motion for one additional period not to exceed thirty days. Any response to the motion by the prosecutor shall be filed within thirty days after the date an amended motion is required to be filed. 8. If the court shall determine the motion and the files and records of the case conclusively show that the movant is entitled to no relief, a hearing shall not be held. In such case, the court shall issue findings of fact and conclusions of law as provided in subsection 10 of this section. 9. At any hearing ordered by the court the movant need not be present. The court may order that testimony of the movant shall be received by deposition. The hearing shall be on the record and shall be confined to the claims contained in the last timely filed motion. The court may continue the hearing upon a showing of good cause. The movant has the burden of proving the movant's claims for relief by a preponderance of the evidence. 10. The court shall issue findings of fact and conclusions of law on all issues presented, whether or not a hearing is held. If the court finds that the judgment was rendered without jurisdiction, that the sentence imposed was illegal, or that there was a denial or infringement of the rights given movant by the Constitution of Missouri or the Constitution of the United States as to render the judgment subject to collateral attack, the court shall vacate and set aside the judgment and shall discharge the movant or resentence the movant or order a new trial or correct the judgment and sentence as appropriate. 11. An order sustaining or overruling a motion filed under the provisions of this section shall be deemed a final judgment for purposes of appeal by the movant or the state. If the court finds that a movant allowed an appeal is an indigent person, it shall authorize an appeal in forma pauperis and furnish without cost a record of all proceedings for appellate review. When the appeal is taken, the circuit court shall order the official court reporter to promptly prepare the transcript necessary for appellate review without requiring a letter from the movant's counsel ordering the same. If the sentencing court finds against the movant on the issue of indigence and the movant so requests, the court shall certify and transmit to the appellate court a transcript and legal file of the evidence solely on the issue of indigence so as to permit review of that issue by the appellate court. Appellate review of the trial court's action on the motion filed under this section shall be limited to a determination of whether the findings and conclusions of the trial court are clearly erroneous. 12. The circuit court shall not entertain successive motions. ---------- (L. 1997 S.B. 56 §§ 12 and 14)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.370 - Post conviction relief, death penalty.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.370. Post conviction relief, death penalty. —1. When a motion is filed as provided in section 547.360 to set aside a sentence of death, the court shall find on the record whether the movant is indigent. If the movant is indigent, the court shall cause to be appointed two counsel to represent the movant. If movant seeks to reject the appointment of counsel, the court shall find on the record, after a hearing, if necessary, whether the movant is able to competently decide whether to accept or reject the appointment and whether the movant rejected the offer with the understanding of its legal consequences. Unless the movant is so competent and understands the legal consequences, movant shall not be permitted to reject the appointment of counsel. 2. All counsel appointed as provided in this section shall be members of The Missouri Bar or shall be admitted to practice in the particular case as provided in Missouri supreme court rule 9. At least one of the counsel shall meet the following qualifications: (1) Have attended and successfully completed within two years immediately preceding the appointment at least twelve hours of training or educational programs on the postconviction phase of a criminal case and federal and state aspects of cases in which the death penalty is sought; and (2) Have at least three years litigation experience in the field of criminal law; and (3) Have participated as counsel or co-counsel to final judgment in at least five postconviction motions involving class A felonies in either state or federal trial courts; and (4) Have participated in either state or federal court as counsel or co-counsel to final judgment in at least: (a) Three felony jury trials; or (b) Five direct criminal appeals in felony cases.--Counsel shall certify to the state public defender in such form as the defender may require that counsel meets the qualifications of this section prior to filing counsel's entry of appearance in the case. --Counsel shall certify to the state public defender in such form as the defender may require that counsel meets the qualifications of this section prior to filing counsel's entry of appearance in the case. 3. Counsel appointed to represent the movant shall not have represented the movant at trial or on the direct appeal therefrom. 4. As to any counsel appointed as provided

in this section, the state public defender shall provide counsel with reasonable compensation and shall provide reasonable and necessary litigation expenses. ---------- (L. 1997 S.B. 56 §§ 13 and 15)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 547 - Appeals, New Trials and ExceptionsSection 547.500 - Conviction review unit, claims of actual innocence — rules — application process — findings and recommendations.

Title XXXVII CRIMINAL PROCEDURE Chapter 547 547.500. Conviction review unit, claims of actual innocence — rules — application process — findings and recommendations. —1. The Missouri office of prosecution services may establish a conviction review unit to investigate claims of actual innocence of any defendant including those who plead guilty. 2. The Missouri office of prosecution services shall have the power to promulgate rules and regulations to receive and investigate claims of actual innocence. 3. The Missouri office of prosecution services shall create an application process that at a minimum shall include that: (1) Any application for review of a claim of actual innocence shall not have any excessive fees and fees shall be waived in cases of indigence; (2) No application shall be accepted if there is any pending motion, writ, appeal, or other matter pending regarding the defendant's conviction, except for any motion to vacate or set aside the judgment pursuant to section 547.031. Any application filed shall be considered a pleading under the Missouri rules of civil procedure and all attorneys shall comply with supreme court rule 55.03 when signing the application and the application shall be sworn and signed under penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed under penalty of perjury; and (3) Any review and investigation shall be based on newly discovered and reliable evidence of actual innocence not presented at a trial. Such newly discovered and reliable evidence shall establish by clear and convincing evidence the actual innocence of the defendant. 4. The conviction review unit shall consist of two attorneys, hired by the executive director of the Missouri office of prosecution services, who have extensive experience prosecuting and defending criminal matters, an investigator, a paralegal, and such administrative staff as is needed to efficiently and effectively process all applications and claims. The executive director of the Missouri office of prosecution services shall coordinate the activities and budget of the conviction review unit and act as an ex officio member of the unit. 5. Once the review is complete, the conviction review unit shall present its findings and recommendations to: (1) The office of the prosecuting attorney or circuit attorney who prosecuted the defendant's case; the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted the case; or (2) If the review was requested by a prosecuting attorney's office, the circuit attorney's office, attorney general, or special prosecutor, the findings and recommendation shall be presented to the office which requested the review. 6. The circuit attorney, prosecuting attorney of any county, special prosecutor, attorney general's office if it prosecuted the case, Missouri office of prosecution services, or other prosecutor who prosecuted the case is not required to accept or follow the findings and recommendations of the conviction review unit. 7. (1) The application, investigation, reports, interviews, findings, and recommendations, and any documents, written, electronic or otherwise, received or generated by the conviction review unit are closed records. (2) The conviction review unit's findings and recommendations submitted to the prosecuting attorney, circuit attorney, the attorney general's office if it prosecuted the case, or the special prosecutor who prosecuted the case shall become open records after the receiving entity of the submission makes a decision not to pursue a motion under section 547.031 or, if such a motion is filed, after the finality of all proceedings under section 547.031, including appeals authorized therein. 8. Nothing in this section shall be construed to prevent a prosecuting attorney or circuit attorney from filing a motion under section 547.031 before the review under this section is complete. ---------- (L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.011 - Definitions.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.011. Definitions. —Where appearing in this chapter: (1) The term"executive authority"includes the governor, and any person performing the functions of governor in a state other than this state; (2) The term"governor"includes any person performing the functions of governor by authority of the law of this state; (3) The terms"judge","magistrate", and"judge of any court of record"include a judge of the supreme court or of the court of appeals, a circuit judge, and an associate circuit judge, but do not include a municipal judge; (4) The term"state", referring to a state other than this state, includes any other state or territory, organized or unorganized, of the United States of America. ---------- (L. 1953 p. 425 § 1, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.021 - Fugitives from justice, duty of governor.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.021. Fugitives from justice, duty of governor. —Subject to the provisions of this chapter, the provisions of the Constitution of the United States controlling, and any and all acts of congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this state. ---------- (L. 1953 p. 425 § 2)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.031 - Form of demand.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.031. Form of demand. —No demand for the extradition of a person

charged with crime in another state shall be recognized by the governor unless in writing alleging, except in cases arising under section 548.061, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit made before an associate circuit judge there, together with a copy of any warrant which was issued thereupon, or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information or affidavit made before the associate circuit judge must substantially charge the person demanded with having committed a crime under the law of that state; and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand. ---------- (L. 1953 p. 425 § 3) (1953) Where requisition was accompanied by affidavit as required by 18 U.S.C.A. § 3182, it was sufficient even though not accompanied by indictment or information. Hayes v. O'Connell (A.), 263 S.W.2d 66. (1954) Failure of foreign state's demand to allege that accused was in the foreign state at time alleged crime was committed or that he fled therefrom held not to invalidate rendition warrant in view of federal constitution and statutes. 18 U.S.C.A. § 3182. Ex parte Arrington (Mo.), 270 S.W.2d 39. (1957) Before governor may honor requisition of another state, these facts must appear; (1) that the person sought is demanded as a fugitive from justice; (2) that the demanding governor has produced a copy of an indictment charging person sought with a crime; and (3) that such copy has been certified as authentic. Hagel v. Hendrix (A.), 302 S.W.2d 323. (1994) Governor's role in evaluating extradition requests and issuing arrest warrants is judicial in nature and duties of extradition officer for governor are quasi-judicial in nature, therefore, both governor and extradition officer are entitled to absolute immunity from suit. White v. Armontrout, 29 F.3d 357 (8th Cir.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.041 - Governor may require investigation.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.041. Governor may require investigation. —When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered. ---------- (L. 1953 p. 425 § 4)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.051 - Extradition of persons imprisoned or charged in another state or who have left demanding state under compulsion.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.051. Extradition of persons imprisoned or charged in another state or who have left demanding state under compulsion. —1. When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated. 2. The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in section 548.231 with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily. ---------- (L. 1953 p. 425 § 5)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.061 - Extradition of persons not present in demanding state at time of commission of crime.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.061. Extradition of persons not present in demanding state at time of commission of crime. —The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 548.031 with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this chapter not otherwise inconsistent shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom. ---------- (L. 1953 p. 425 § 6)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.071 - Issue of governor's warrant of arrest — its recitals.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.071. Issue of governor's warrant of arrest — its recitals. —If the governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance. ---------- (L. 1953 p. 425 § 7)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.081 - Manner and place of execution.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.081. Manner and place of execution. —Such warrant shall authorize the

peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this chapter, to the duly authorized agent of the demanding state. ---------- (L. 1953 p. 425 § 8)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.091 - Authority of arresting officer.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.091. Authority of arresting officer. —Every such officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance. ---------- (L. 1953 p. 425 § 9)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.101 - Rights of accused person — application for writ of habeas corpus.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.101. Rights of accused person — application for writ of habeas corpus. —No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state. ---------- (L. 1953 p. 425 § 10) (1962) Writ of prohibition issued to prevent circuit court from exercising further jurisdiction in habeas corpus proceeding wherein petitioner challenged extradition proceedings on ground of unconstitutionality of foreign statute under which he was charged. State ex rel. Anderson v. Weinstein (Mo.), 359 S.W.2d 355.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.111 - Penalty for noncompliance with section 548.101.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.111. Penalty for noncompliance with section 548.101. —Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant, in willful disobedience to section 548.101, shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. ---------- (L. 1953 p. 425 § 11)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.121 - Confinement in jail when necessary.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.121. Confinement in jail when necessary. —1. The officer or persons executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping. 2. The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping; provided, however, that such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state. ---------- (L. 1953 p. 425 § 12)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.131 - Arrest prior to requisition.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.131. Arrest prior to requisition. —Whenever any person within this state shall be charged on the oath of any credible person before any judge or associate circuit judge of this state with the commission of any crime in any other state and, except in cases arising under section 548.061, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or associate circuit judge in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 548.061, has fled from justice, or with having

been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, and is believed to be in this state, the judge or associate circuit judge shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may be found in this state, and to bring him before the same or any other judge, associate circuit judge or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant, provided that when a complaint shall be made against any person under the terms of this chapter, the judge or associate circuit judge shall take from the prosecutor a bond, to the clerk of the court, with sufficient security, to secure the payment of the costs and expenses which may accrue by occasion of the arrest and detention of the party charged, which bond shall be certified and returned, with the examination, to the office of the circuit clerk and when any such recognizance shall be forfeited, it shall inure to the benefit of the state. ---------- (L. 1953 p. 425 § 13, A.L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.141 - Arrest without a warrant.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.141. Arrest without a warrant. —The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or associate circuit judge with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section 548.131; and thereafter his answer shall be heard as if he had been arrested on a warrant. ---------- (L. 1953 p. 425 § 14)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.151 - Commitment to await requisition — bail.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.151. Commitment to await requisition — bail. —If from the examination before the judge or associate circuit judge it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 548.061, that he has fled from justice, the judge or associate circuit judge must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 548.161 or until he shall be legally discharged. ---------- (L. 1953 p. 425 § 15) (1954) Where court committed accused for fifteen days under § 548.151 and then recommitted him for another fifteen days under § 548.171, its power was spent and no further commitment could be made. Christopher v. Tozer (A.), 263 S.W.2d 864.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.161 - Bail — in what cases — conditions of bond.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.161. Bail — in what cases — conditions of bond. —Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or associate circuit judge in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the governor of this state. ---------- (L. 1953 p. 425 § 16) CROSS REFERENCE: Recognizances taken in court record, others in writing, 544.050

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.171 - Extension of time of commitment — adjournment.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.171. Extension of time of commitment — adjournment. —If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge or associate circuit judge may discharge him or may recommit him for a further period not to exceed sixty days, or a judge or associate circuit judge may again take bail for his appearance and surrender, as provided in section 548.161, but within a period not to exceed sixty days after the date of such new bond. ---------- (L. 1953 p. 425 § 17) (1954) Where court committed accused for fifteen days under § 548.151 and then recommitted him for another fifteen days under § 548.171, its power was spent and no further commitment could be made. Christopher v. Tozer (A.), 263 S.W.2d 864.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.181 - Forfeiture of bail.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.181. Forfeiture of bail. —If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or associate circuit judge by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within the state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state. ----------

(L. 1953 p. 425 § 18)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.191 - Persons under criminal prosecution in this state at time of requisition.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.191. Persons under criminal prosecution in this state at time of requisition. —If a criminal prosecution has been instituted against such person under the laws of this state and is still pending, the governor, in his discretion, either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state. ---------- (L. 1953 p. 425 § 19)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.201 - Guilt or innocence of accused when inquired into.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.201. Guilt or innocence of accused when inquired into. —The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as provided in section 548.191 shall have been presented to the governor, except as it may be involved in identifying the person held as the person charged with the crime. ---------- (L. 1953 p. 425 § 20) (1953) Question of mistaken identity, while a defense to charge of crime, may not be considered on habeas corpus where person in custody is admittedly person charged therewith. Hayes v. O'Connell (A.), 263 S.W.2d 66. (1974) Held that failure to have an affidavit made before a magistrate was not grounds for refusal to extradite. Held also that extradition should have been denied because of failure of affidavit to substantially charge him with commission of a crime. Application of Evans (A.), 512 S.W.2d 238.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.211 - Governor may recall warrant or issue alias.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.211. Governor may recall warrant or issue alias. —The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper. ---------- (L. 1953 p. 425 § 21)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.221 - Fugitives from this state — duty of governor.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.221. Fugitives from this state — duty of governor. —Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the executive authority of any other state, or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed. ---------- (L. 1953 p. 425 § 22)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.231 - Application for issuance of requisition — by whom made — contents.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.231. Application for issuance of requisition — by whom made — contents. —1. When the return to this state of a person charged with crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein, at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim. 2. When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made. 3. The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or associate circuit judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the secretary of state, to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition. ---------- (L. 1953 p. 425 § 23)

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.241 - Costs and expenses.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.241. Costs and expenses. —1. All necessary and proper expenses accruing under section 548.221, upon being ascertained to the satisfaction of the governor, shall be allowed on his certificate and paid out of the state treasury as other demands against the state. 2. All necessary and proper expenses accruing as a result of a person being returned to this state pursuant to the provisions of section 548.243 or 217.810 shall be allowed and paid out of the state treasury as if the person were being returned to this state pursuant to section 548.221. ---------- (L. 1953 p. 425 § 24, A.L. 1957 p. 378, A.L. 1971 S.B. 163, A.L. 1983 H.B. 713 Revision, A.L. 1984 S.B. 611, A.L. 1994 H.B. 1491 & 1134 merged with S.B. 508) Effective 7-01-94

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.243 - Waiver of extradition — costs, how paid — return of person, by whom.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.243. Waiver of extradition — costs, how paid — return of person, by whom. —In any criminal proceeding wherein a court in this state has issued a warrant for the arrest of a person and that person was arrested in any other state, territory, or possession of the United States and that person waives extradition and consents to return to this state, the sheriff of the county where the warrant was issued may contract with an agent for the return of such person to this state, or the sheriff or his deputy may return such person to this state. All necessary expenses which would be paid by the state if there had been extradition, incurred by the sheriff, his deputy or an authorized agent in returning the person shall be paid to the sheriff by the state regardless of the ultimate disposition of the criminal proceedings. Such costs after such payment shall be taxed against the person and recovered by the entity paying the same, unless the person is acquitted of the criminal offense charged. ---------- (L. 1969 H.B. 52 § 1, A.L. 1978 S.B. 792, A.L. 1983 H.B. 713 Revision, A.L. 1985 H.B. 698, A.L. 1994 H.B. 1491 & 1134 merged with S.B. 508) Effective 7-01-94

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.251 - Immunity from service of process in certain civil actions.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.251. Immunity from service of process in certain civil actions. —A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited. ---------- (L. 1953 p. 425 § 25) (1954) Where husband was extradited into this state on criminal charge of nonsupport of wife and child, process served upon him in divorce action pending prosecution on the criminal charge was void and conferred no jurisdiction of the action. State ex rel. Stipec v. Owen (A.), 271 S.W.2d 864.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.260 - Written waiver of extradition proceedings.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.260. Written waiver of extradition proceedings. —1. Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 548.071 and 548.081 and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state; provided, however, that before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance or service of a warrant of extradition and to obtain a writ of habeas corpus as provided in section 548.101. 2. If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent; provided, however, that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state. ---------- (L. 1953 p. 425 § 26)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.270 - Nonwaiver by this state.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.270. Nonwaiver by this state. —Nothing in this chapter contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this chapter which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any

way whatsoever. ---------- (L. 1953 p. 425 § 27)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.280 - No right of asylum — no immunity from other criminal prosecution while in this state.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.280. No right of asylum — no immunity from other criminal prosecution while in this state. —After a person has been brought back to this state by, or after waiver of extradition proceedings, he may be tried in this state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition. ---------- (L. 1953 p. 425 § 28)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.290 - Interpretation.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.290. Interpretation. —The provisions of this chapter shall be so interpreted and construed as to effectuate the general purposes to make uniform the law of those states which enact it. ---------- (L. 1953 p. 425 § 29)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 548 - ExtraditionSection 548.300 - Short title.

Title XXXVII CRIMINAL PROCEDURE Chapter 548 548.300. Short title. —This chapter may be cited as the "Uniform Criminal Extradition Law". ---------- (L. 1953 p. 425 § 32)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 549 - Probation, Pardons and ParolesSection 549.500 - Documents of board or division to be privileged — exceptions — inspection.

Title XXXVII CRIMINAL PROCEDURE Chapter 549 549.500. Documents of board or division to be privileged — exceptions — inspection. —All documents prepared or obtained in the discharge of official duties by any member or employee of the parole board or employee of the division of probation and parole shall be privileged and shall not be disclosed directly or indirectly to anyone other than members of the parole board and other authorized employees of the department pursuant to section 217.075. The parole board may at its discretion permit the inspection of the report or parts thereof by the offender or his or her attorney or other persons having a proper interest therein. ---------- (L. 1990 H.B. 974 § 1, A.L. 1995 H.B. 424, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 549 - Probation, Pardons and ParolesSection 549.525 - Municipal probation services, fee, Kansas City, exemptions.

Title XXXVII CRIMINAL PROCEDURE Chapter 549 549.525. Municipal probation services, fee, Kansas City, exemptions. —1. Any city with a population of more than three hundred fifty thousand inhabitants which is located in more than one county which provides probation services for persons convicted of its ordinance violations may collect from the person placed on probation a fee of ten dollars per month for providing supervision and rehabilitation services. 2. The court may exempt a person from all or part of the contribution required in subsection 1 of this section if it finds any of the following factors exist: (1) The offender has diligently attempted, but has been unable, to obtain employment which provides him sufficient income to make such payments; (2) The offender is a student in school, college, university or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the court by the educational institution in which the offender is enrolled; (3) The offender has an employment handicap, as determined by a physical, psychological or psychiatric examination acceptable to or ordered by the court; (4) The offender's age prevents him from obtaining employment; (5) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender; (6) There are other extenuating circumstances as determined by the court to exempt or partially reduce such payments; or (7) The offender has been transferred outside the state under an interstate compact adopted pursuant to law. ---------- (L. 1995 H.B. 424 § 7)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.010 - State or county to pay only reasonable occupancy costs and cost of incarceration.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.010. State or county to pay only reasonable occupancy costs and cost of incarceration. —Whenever any person shall be convicted of any crime or misdemeanor he shall be adjudged to pay the costs, and no costs incurred on his part, except fees for the cost of incarceration, including a reasonable sum to cover occupancy costs, shall be paid by the state or county. ---------- (RSMo 1939 § 4220, A.L. 1977 H.B. 427) Prior revisions: 1929 § 3825; 1919 § 4168; 1909 § 5376 Effective 1-01-78 CROSS REFERENCES: Defendant liable for keep in jail, 221.070 Defendant's property on conviction bound for payment of costs, executions, 546.860, 546.870

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.020 - State to pay certain costs.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.020. State to pay certain costs. —1. In all capital cases in which the defendant shall be convicted, and in all cases in which the defendant shall be sentenced to imprisonment in the penitentiary, and in cases where such person is convicted of an offense punishable solely by imprisonment in the penitentiary and is sentenced to

imprisonment in the county jail, workhouse or reform school because such person is under the age of eighteen years, the state shall pay the costs, if the defendant shall be unable to pay them, except costs incurred on behalf of defendant. 2. And in all cases of felony, when the jury are not permitted to separate, it shall be the duty of the sheriff in charge of the jury, unless otherwise ordered by the court, to supply them with board and lodging during the time they are required by the court to be kept together, for which a reasonable compensation may be allowed, not to exceed three dollars and fifty cents per day for each member of the jury and the officer in charge; and the same shall be taxed as other costs in the case, and the state shall pay such costs, unless in the event of conviction, the same can be made out of the defendant. ---------- (RSMo 1939 § 4221, A.L. 1945 p. 844) Prior revisions: 1929 § 3826; 1919 § 4169; 1909 § 5377

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.030 - County to pay costs, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.030. County to pay costs, when. —When the defendant is sentenced to imprisonment in the county jail, or to pay a fine, or both, and is unable to pay the costs, the county in which the indictment was found or information filed shall pay the costs, except such as were incurred on the part of the defendant. ---------- (RSMo 1939 § 4222) Prior revisions: 1929 § 3827; 1919 § 4170; 1909 § 5378 CROSS REFERENCE: County commission may allow for placing prisoner under irons, 221.150

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.110 - Costs taxed against clerk, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.110. Costs taxed against clerk, when. —All costs unnecessarily incurred by a violation of sections 545.320 and 545.330 shall be taxed against the clerk or associate circuit judge who caused the same. ---------- (RSMo 1939 § 4233) Prior revisions: 1929 § 3838; 1919 § 4181; 1909 § 5389

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.120 - Costs in change of venue — costs defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.120. Costs in change of venue — costs defined. —1. In any criminal or civil case in which a change of venue is taken from one county to any other county, and whenever a prisoner shall, for any cause, be confined in the jail of one county, such costs shall be paid by the county in which the case, indictment or information was originally instituted to the county in which the case is actually tried or where the prisoner is confined, except when such case is transferred for improper venue. In all cases where fines are imposed upon conviction under such indictments or prosecutions, or penalties or forfeitures of penal bonds in criminal cases, are collected, by civil action or otherwise, payable to the county, such fines, penalties and forfeitures shall be paid into the treasury of the county where such indictment or information was originally found or such prosecution originally instituted, for the benefit of the public school fund of the county. 2. The term"costs"as used in this section means: (1) All items, services and other matters defined as costs under any other provisions of law relating to criminal or civil procedures; (2) All moneys expended as salaries of persons directly related to the care of criminal defendants, security of the court, security of the jury and the room and board thereof, transportation of the jury, security and room and board of witnesses, and the processing of the cause, paid or payable out of the county treasury to which venue has been changed; (3) All expenses of whatever nature incurred by a county as the result of jury selection and service pursuant to the provisions of chapter 494; (4) Any other expense directly related to the trial and prosecution of such criminal charge found necessary by the trial judge hearing the case. ---------- (RSMo 1939 § 4241, A.L. 1989 H.B. 258, A.L. 2001 S.B. 267) Prior revisions: 1929 § 3846; 1919 § 4189; 1909 § 5397 CROSS REFERENCES: Change of venue, costs, generally, 545.620 Costs of commitment and support of prisoner when removed from county, 221.260

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.130 - Judge and prosecuting attorney to certify cost bill.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.130. Judge and prosecuting attorney to certify cost bill. —The bill of costs in any case, as provided for in section 550.120, shall be certified to by the judge and prosecuting attorney, as now provided by law, and shall be presented to the county commission in which the indictment was originally found, or proceedings instituted, and shall thereupon be paid as if the cause had been tried or otherwise disposed of in said county. ---------- (RSMo 1939 § 4242) Prior revisions: 1929 § 3847; 1919 § 4190; 1909 § 5398

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.140 - Clerk to make out fee bills.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.140. Clerk to make out fee bills. —The clerk of the court in which any criminal cause shall have been determined or continued generally shall, immediately after the adjournment of the court and before the next succeeding term, calculate all costs which have accrued in the case. If the state or county is liable under the provisions of this chapter for costs or any part thereof, he shall make out and deliver forthwith to the prosecuting attorney of said county a complete fee bill, specifying each item of services and the fee therefor. The circuit clerk shall prepare a bill against the state

containing only costs which are payable to the county. ---------- (RSMo 1939 § 4236, A.L. 1999 S.B. 1, et al.) Prior revisions: 1929 § 3841; 1919 § 4184; 1909 § 5392 CROSS REFERENCES: Clerk's fees, collection and disposition of, Chap. 483 Clothing and medical attention for jail prisoner taxed as costs, when, 221.120 Court reporter's fees, 488.2250, 488.2253 Preliminary hearing expenses taxed as costs, when, 544.300 Sheriff's fees, Chap. 57 Witness fees, 491.280

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.150 - Names of witnesses certified.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.150. Names of witnesses certified. —The clerk shall attach to each fee bill a certified copy of the names of all witnesses endorsed on the indictment or information and all orders of the prosecuting attorney and affidavits of the prosecutor as provided for in section 545.320, and no costs shall be paid any state witness not therein. ---------- (RSMo 1939 § 4230) Prior revisions: 1929 § 3835; 1919 § 4178; 1909 § 5386

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.160 - Certain officers not to receive witness fees.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.160. Certain officers not to receive witness fees. —No officer, appointee or employee holding a state, county, township or municipal office, including police officers and policemen, either by election or appointment, shall claim, be allowed or receive any fee or compensation as a witness for testifying before a coroner's inquest, grand jury, or in any criminal cases. All officers, appointees and employees as aforesaid, shall be compelled to attend the trial of all criminal cases, coroner's inquest and grand juries, when legally subpoenaed; provided, that the provisions of this section shall not apply to any officer who is a witness in any case where the residence of such officer is five miles from the place where the trial or coroner's inquest is held, or where the grand jury is in session. ---------- (RSMo 1939 § 4232) Prior revisions: 1929 § 3837; 1919 § 4180; 1909 § 5388

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.170 - Costs of three witnesses allowed.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.170. Costs of three witnesses allowed. —The judge and prosecuting attorney shall in no case tax the state or county with more than the costs of three witnesses to establish any one fact, nor with the costs of witnesses unnecessarily summoned and not examined, but the costs of such surplus or unnecessary witnesses shall, in the discretion of the court, be taxed against the party or attorney causing them to be summoned. ---------- (RSMo 1939 § 4245) Prior revisions: 1929 § 3850; 1919 § 4193; 1909 § 5401

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.180 - Clerk liable for neglect, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.180. Clerk liable for neglect, when. —If any clerk shall fail to tax the costs and make out a proper fee bill, or shall willfully neglect to perform any duty required of him in sections 550.140 and 550.190, he shall be liable to the person injured by such neglect in treble the amount of costs to which the party is entitled in the cause, and the court shall give judgment therefor against the clerk, on motion of the party entitled thereto; provided, that the party asking such judgment shall give two days' notice of such motion, which may be served on the clerk or his deputy. ---------- (RSMo 1939 § 4238) Prior revisions: 1929 § 3843; 1919 § 4186; 1909 § 5394

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.190 - Examination and certification of fee bill, by whom.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.190. Examination and certification of fee bill, by whom. —The prosecuting attorney shall strictly examine each bill of costs which shall be delivered to him, as provided in section 550.140, for allowance against the state or county, and shall ascertain as far as possible whether the services have been rendered for which the charges are made, and whether the fees charged are expressly given by law for such services, or whether greater charges are made than the law authorizes. If the fee bill has been made out according to law, or if not, after correcting all errors therein, he shall report the same to the judge of the court, either in term or in vacation, and if the same appears to be formal and correct, the judge and prosecuting attorney shall certify to the director of the department of corrections, or clerk of the county commission, accordingly as the state or county is liable, the amount of costs due by the state or county on the fee bill, and deliver the same to the clerk who made it out, to be collected without delay, and paid over to those entitled to the fees allowed. ---------- (RSMo 1939 § 4237, A. 1949 H.B. 2146, A.L. 2006 S.B. 870) Prior revisions: 1929 § 3842; 1919 § 4185; 1909 § 5393 Effective 7-01-06

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.200 - Original fee bill to director of department of corrections or county commission.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.200. Original fee bill to director of department of corrections or county commission. —The original fee bill, signed by the judge and prosecuting attorney, shall be sent by the clerk to the director of the department of corrections or county commission, as the case may be, and the clerk shall make out, under his hand and seal, a true

and certified copy of the same, which shall be carefully preserved by the clerk in his office, and shall be prima facie evidence of the facts therein stated. ---------- (RSMo 1939 § 4243, A. 1949 H.B. 2146, A.L. 2006 S.B. 870) Prior revisions: 1929 § 3848; 1919 § 4191; 1909 § 5399 Effective 7-01-06

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.210 - Fee bill, how certified — information required.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.210. Fee bill, how certified — information required. —When a fee bill shall be certified to the director of the department of corrections for payment, the certificate of the judge and prosecuting attorney shall contain a statement of the following facts: that they have strictly examined the bill of costs; that the defendant was convicted or acquitted, and if convicted, the nature and extent of punishment assessed, or the cause continued generally, as the case may be; that the offense charged is a capital one, or punishable solely by imprisonment in the penitentiary, as the case may be; that the services were rendered for which charges are made, and that the fees charged are expressly authorized by law, and that they are properly taxed against the proper party, and that the fees of no more than three witnesses to prove any one fact are allowed. In cases in which the defendant is convicted, the judge and prosecuting attorney shall certify, in addition to the foregoing facts, that the defendant is insolvent, and that no costs charged in the fee bill, fees for the cost of incarceration, including a reasonable sum to cover occupancy costs, excepted, were incurred on the part of the defendant. ---------- (RSMo 1939 § 4239, A. 1949 H.B. 2146, A.L. 1977 H.B. 427, A.L. 2006 S.B. 870) Prior revisions: 1929 § 3844; 1919 § 4187; 1909 § 5395 Effective 7-01-06

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.220 - Fee bill certified to county commission — penalty.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.220. Fee bill certified to county commission — penalty. —Each and every bill of costs presented to any county commission for allowance shall be examined and certified to by the judge and prosecuting attorney in the same manner, all necessary charges excepted, as provided for certifying bills of costs to the director of the department of corrections for payment; and any county commissioner who shall pay, or vote to pay, any costs incurred in any criminal case or proceeding, unless the same is so certified to, shall be adjudged guilty of a misdemeanor. ---------- (RSMo 1939 § 4240, A. 1949 H.B. 2146, A.L. 2006 S.B. 870) Prior revisions: 1929 § 3845; 1919 § 4188; 1909 § 5396 Effective 7-01-06

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.230 - Subsequent fee bill, when issued.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.230. Subsequent fee bill, when issued. —When the clerk shall send a bill of costs to the director of the department of corrections or county commission, as provided in section 550.200, he shall expressly state in his certificate that he has not at any previous time certified or sent a copy of the same bill, or part thereof, for payment; provided, that if the clerk shall, by oversight or mistake, fail to include any costs properly chargeable against the state or county in any fee bill, he may make out and present, as herein provided for making out bills of costs, a supplemental bill for the costs so omitted; provided, that the clerk shall in no case charge or receive any fee or fees whatsoever for the issuance of such supplemental fee bill. ---------- (RSMo 1939 § 4244, A. 1949 H.B. 2146, A.L. 2006 S.B. 870) Prior revisions: 1929 § 3849; 1919 § 4192; 1909 § 5400 Effective 7-01-06

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.240 - Fee bill from cases before associate circuit judge.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.240. Fee bill from cases before associate circuit judge. —In all criminal cases which have been finally determined before an associate circuit judge in which the county shall be liable for any costs incurred therein, the clerk responsible for collecting fees in cases determined by such judge shall certify a complete itemized fee bill thereof to the county commission for payment, which fee bill shall be examined and audited by the prosecuting attorney and the judge. Whenever the state shall be liable under any law for costs incurred in any examination of a felony before any associate circuit judge, or in any misdemeanor case which is not finally determined before an associate circuit judge, the clerk serving such judge shall calculate, certify and return to the clerk of the circuit court of the county a complete statement of costs, specifying each item of service and the fee therefor, together with all the papers and docket entries in the case. The clerk of the circuit court shall thereupon make out a fee bill of all such costs which are legally chargeable against the state or county, which shall be examined by the prosecuting attorney. The circuit clerk shall prepare a bill against the state containing only costs which are payable to the county. All such fee bills shall thereafter be proceeded with in all respects as in the case of fee bills for costs incurred in cases before circuit judges. ---------- (RSMo 1939 § 4246, A.L. 1951 p. 461, A.L. 1978 H.B. 1634, A.L. 1999 S.B. 1, et al.) Prior revisions: 1929 § 3851; 1919 § 4194; 1909 § 5402

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.260 - Copy of court cost bill filed with treasurer — warrants — criminal court cost bills recorded.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.260. Copy of court cost bill filed with treasurer — warrants — criminal court cost bills recorded. —1. All criminal court cost bills shall be certified for payment as herein provided, and in addition thereto

the circuit clerks of each county shall make copies of all original criminal court cost bills certified to the director of the department of corrections for payment, and shall file the same with the treasurers of their respective counties, and the city of St. Louis, at the time of transmitting the original for payment. 2. When criminal court cost bills are certified to the director of the department of corrections, warrants shall be drawn on the state treasurer as provided by law, provided that the amounts due to the state contained within such criminal court cost bills may be withheld by the state before payment is made to the counties. Costs payable to the state contained in such criminal costs bills shall not be reimbursed to the counties, but the county shall be reimbursed only for those costs payable to the county. Payment shall be transmitted to the treasurer of the county from whence the bill originated, or the city of St. Louis. When any criminal cost bill shall be certified to the county commission or the comptroller of the city of St. Louis for payment, the county clerk, or the comptroller of the city of St. Louis, when the same is allowed, shall draw a warrant on the county treasurer or city treasurer in payment thereof, and deliver the same to the county treasurer, or to the treasurer of the city of St. Louis, together with a list of the names of the various parties to whom the fees are due, stating the amount due each person. 3. The treasurers, on receipt of any such warrants and criminal court cost bills, shall record the criminal court cost bills in a well-bound book arranged with appropriate headings, so that the same shall correspond, as near as may be, with the accounts required to be kept by other officers in section 50.470. ---------- (RSMo 1939 § 4248, A. 1949 H.B. 2146, A.L. 1996 S.B. 869, A.L. 1999 S.B. 1, et al., A.L. 2006 S.B. 870) Prior revisions: 1929 § 3853; 1919 § 4196; 1909 § 5404 Effective 7-01-06

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.270 - Payment of fees — deductions.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.270. Payment of fees — deductions. —The county treasurers shall pay out all such fees to the proper owners as the same may be called for; provided, that before any such fees shall be paid the party to whom the same is due shall furnish satisfactory evidence to the treasurer that he or she, as the case may be, is not at the time indebted to the state or county, on account of delinquent back taxes, or is indebted to the state or county on account of any fine, penalty, forfeitures or forfeited recognizances or costs for a violation of any criminal statute of this state, or for contempt of any court, no matter if the same shall have been paid by oath of insolvency as provided by law; or is indebted to the state or any county on account of any funds coming to his hands by reason of any public office; provided further, that after deducting the amount of the indebtedness of the claimant, if any, on account of any or all of the various causes herein enumerated, the treasurer shall pay him the balance, giving duplicate receipts for the separate amounts paid, one of which shall be filed with the county clerk, who shall charge the treasurer with the same, but if the indebtedness of the claimant equals or exceeds the amount of his fees, the treasurer shall give him credit for the amount of his fees, stating on what account, and shall make duplicate receipts for the same, one of which he shall deliver to the claimant and the other he shall file with the county clerk, who shall charge the treasurer with all such receipts, and in his regular settlements with the county commission the treasurer shall make a full and complete exhibit of all his acts and doings under sections 550.260 to 550.300. ---------- (RSMo 1939 § 4249) Prior revisions: 1929 § 3854; 1919 § 4197; 1909 § 5405

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.280 - Certain fees deemed criminal costs.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.280. Certain fees deemed criminal costs. —All fees due witnesses before the grand jury, and all fees due jurors in any criminal case, and all fees accruing in any inquest case where the verdict of the jury is that the deceased came to death by other than unavoidable accident or natural causes, shall be deemed criminal costs, and shall be paid in like manner and shall be subject to all the offsets herein provided for. ---------- (RSMo 1939 § 4250) Prior revisions: 1929 § 3855; 1919 § 4198; 1909 § 5406 (1963) This section held to authorize taxation of jury fees and mileage of jurors to defendant convicted following plea of nolo contendere. State v. Norman (A.), 371 S.W.2d 41.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.290 - Fees not negotiable or assignable — exception.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.290. Fees not negotiable or assignable — exception. —In order to make said sections 550.260 to 550.300 effective, it is hereby declared that all fees due by the state or county on account of any criminal case, or due witnesses before the grand jury, or as a juror or witness in an inquest, shall not be negotiable or assignable except subject to all the setoffs herein provided for, and that the state and county holds a prior lien on the same for the purpose of indemnification against loss by reason of the nonpayment of personal back taxes, and for the payment of the fines, penalties, forfeitures and costs herein mentioned. ---------- (RSMo 1939 § 4252) Prior revisions: 1929 § 3857; 1919 § 4200; 1909 § 5408

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.300 - Disposition of court costs by county treasurers.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.300. Disposition of court costs by county treasurers. —At the end of each term of court after the receipt of each criminal court cost bill from either the state auditor or the county clerk, the treasurer shall strike a balance of the same, and shall turn over the amounts collected on account of the various items of indebtedness herein mentioned to the various funds to which they belong or in the manner provided by sections 488.010 to 488.020*. And all uncalled for fees paid by the state shall be promptly transmitted to the state director of revenue who shall deposit the same in the state

treasury, and those paid by the county shall be turned over to the credit of the county revenue fund. ---------- (RSMo 1939 § 4251, A.L. 1947 V. I p. 260, A.L. 1996 S.B. 869) Prior revisions: 1929 § 3856; 1919 § 4199; 1909 § 5407 Effective 7-01-97 *Words "section 514.015" appear in original rolls, which was changed to effectuate the court cost bill.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 550 - Costs in Criminal CasesSection 550.310 - Judge or other officer violating law, how punished.

Title XXXVII CRIMINAL PROCEDURE Chapter 550 550.310. Judge or other officer violating law, how punished. —Every judge, prosecuting attorney, clerk or judge who shall knowingly violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one thousand dollars. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 551 - Relief of Insolvents Confined on Criminal ProcessSection 551.150 - Insolvency relief law not applicable (St. Louis).

Title XXXVII CRIMINAL PROCEDURE Chapter 551 551.150. Insolvency relief law not applicable (St. Louis). —No person convicted in the circuit court of the city of St. Louis of a misdemeanor under the laws of this state, and sentenced to the payment of a fine, and the costs therein accrued, shall be allowed to avail himself of the provisions of any law for the relief of insolvents confined on criminal process. ---------- (L. 1978 H.B. 1634) Effective 1-02-79

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.010 - Mental disease or defect defined.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.010. Mental disease or defect defined. —The terms"mental disease or defect"include congenital and traumatic mental conditions as well as disease. They do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct, whether or not such abnormality may be included under mental illness, mental disease or defect in some classifications of mental abnormality or disorder. The terms"mental disease or defect"do not include alcoholism without psychosis or drug abuse without psychosis or an abnormality manifested only by criminal sexual psychopathy as defined in section 202.700, nor shall anything in this chapter be construed to repeal or modify the provisions of sections 202.700 to 202.770. ---------- (L. 1963 p. 674 § 1, A.L. 1969 p. 572) (1965) This section's use of the term "mental disease or defect" was not intended to designate any specific form or forms or medical classification of mental disease, but merely means a mind sufficiently disordered to cause the results indicated. State v. Garrett (Mo.), 391 S.W.2d 235. (1975) Proper lay or medical testimony of drug addiction is admissible to show extenuating or mitigating circumstances during parole revocation. Reiter v. Camp (A.), 518 S.W.2d 82. (1978) Loss of memory due to physical injury prevented defendant from assisting in his defense and even though he understood proceedings against him, he could not be tried. State ex rel. Sisco v. Buford (Mo.), 559 S.W.2d 747.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.015 - Evidence of mental disease or defect, admissible, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.015. Evidence of mental disease or defect, admissible, when. —1. Evidence that the defendant did or did not suffer mental disease or defect shall not be admissible in a criminal prosecution except as provided in this section. 2. Evidence that the defendant did or did not suffer from a mental disease or defect shall be admissible in a criminal proceeding: (1) To determine whether the defendant lacks capacity to understand the proceedings against him or to assist in his own defense as provided in section 552.020; (2) To determine whether the defendant is criminally responsible as provided in section 552.030; (3) To determine whether a person committed to the director of the department of mental health pursuant to this chapter shall be released as provided in section 552.040; (4) To determine if a person in the custody of any correctional institution needs care in a mental hospital as provided in section 552.050; (5) To determine whether a person condemned to death shall be executed as provided in sections 552.060 and 552.070; (6) To determine whether or not the defendant, if found guilty, should be sentenced to death as provided in chapter 558; (7) To determine the appropriate disposition of a defendant, if guilty, as provided in sections 557.011 and 557.031; (8) To prove that the defendant did or did not have a state of mind which is an element of the offense; (9) To determine if the defendant, if found not guilty by reason of mental disease or defect, should be immediately conditionally released by the court under the provisions of section 552.040 to the community or committed to a mental health or developmental disability facility. This question shall not be asked regarding defendants charged with any of the dangerous felonies as defined in section 556.061, or with those crimes set forth in subsection 11*of section 552.040, or the attempts thereof. ---------- (L. 1985 S.B. 265 § 552.090, A.L. 1994 S.B. 763, A.L. 2011 H.B. 555 merged with H.B. 648) *Subsection 11 of section 552.040 was renumbered to subsection 12 and the specific crimes were repealed by S.B. 884 & 841, 1996.

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.020 - Lack of mental capacity bar to trial or conviction — psychiatric examination, when, report of — plea of not guilty by reason of mental disease, supporting pretrial evaluation, conditions of release — commitment to hospital, when — procedure — statements of accused inadmissible, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.020. Lack of mental capacity bar to trial or conviction — psychiatric

examination, when, report of — plea of not guilty by reason of mental disease, supporting pretrial evaluation, conditions of release — commitment to hospital, when — procedure — statements of accused inadmissible, when. —1. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or her or to assist in his or her own defense shall be tried, convicted or sentenced for the commission of an offense so long as the incapacity endures. 2. Whenever any judge has reasonable cause to believe that the accused lacks mental fitness to proceed, the judge shall, upon his or her own motion or upon motion filed by the state or by or on behalf of the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused; or shall direct the director to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability, developmental disability, or mental illness. The order shall direct that a written report or reports of such examination be filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be appointed by the court unless he or she has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department to have the accused examined, the director, or his or her designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluations. The department shall establish standards and provide training for those individuals performing examinations pursuant to this section and section 552.030. No individual who is employed by or contracts with the department shall be designated to perform an examination pursuant to this chapter unless the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation. 3. A report of the examination made under this section shall include: (1) Detailed findings; (2) An opinion as to whether the accused has a mental disease or defect; (3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him or her or to assist in his or her own defense; (4) An opinion, if the accused is found to lack capacity to understand the proceedings against him or her or to assist in his or her own defense, as to whether there is a substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future; (5) A recommendation as to whether the accused should be held in custody in a suitable hospital facility for treatment pending determination, by the court, of mental fitness to proceed; (6) A recommendation as to whether the accused, if found by the court to be mentally fit to proceed, should be detained in such hospital facility pending further proceedings; (7) A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed, should be committed to a suitable hospital facility for treatment to restore the mental fitness to proceed or if such treatment to restore the mental fitness to proceed can be provided in a county jail or other detention facility approved by the director or designee; and (8) A recommendation as to whether the accused, if found by the court to lack the mental fitness to proceed and the accused is not charged with a dangerous felony as defined in section 556.061, murder in the first degree under section 565.020, or rape in the second degree under section 566.031, or the attempts thereof: (a) Should be committed to a suitable hospital facility; or (b) May be appropriately treated in the community; and (c) Is able to comply with bond conditions as set forth by the court and is able to comply with treatment conditions and requirements as set forth by the director of the department or his or her designee. 4. When the court determines that the accused can comply with the bond and treatment conditions as referenced in subsection 3 of this section, the court shall order that the accused remain on bond while receiving treatment until the case is disposed of as set forth by subsection 12 of this section. If, at any time, the court finds that the accused has failed to comply with the bond and treatment conditions, the court may order that the accused be taken into law enforcement custody until such time as a department inpatient bed is available to provide treatment. 5. If the accused has pleaded lack of responsibility due to mental disease or defect or has given the written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination conducted pursuant to this section to include, in addition to the information required in subsection 3 of this section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his or her conduct or as a result of mental disease or defect was incapable of conforming his or her conduct to the requirements of law. A plea of not guilty by reason of mental disease or defect shall not be accepted by the court in the absence of any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty by reason of mental disease or defect, and the alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set forth in subsection 10 of section 552.040, or the attempts thereof, the court shall order the report of the examination to include an opinion as to whether or not the accused should be immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be committed to a mental health or developmental disability facility. If such an evaluation is conducted at the direction of the director of the department of mental health, the court shall also order the report of the examination to include an opinion as to the conditions of release which are consistent with the needs of the accused and the interest of public safety, including, but not limited to, the following factors: (1) Location and degree of necessary supervision of housing; (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services, including the frequency of such services; (3) Medication follow-up, including necessary testing

to monitor medication compliance; (4) At least monthly contact with the department's forensic case monitor; (5) Any other conditions or supervision as may be warranted by the circumstances of the case. 6. If the report contains the recommendation that the accused should be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed, and if the accused is not admitted to bail or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending determination of the issue of mental fitness to proceed. 7. The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and to the accused or his or her counsel. The report shall not be a public record or open to the public. Within ten days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subsection shall be completed and a report filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be furnished the opposing party. 8. If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subsections 2 and 3 of this section, the court shall make a determination and finding on the basis of the report filed or hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The court shall determine the issue of mental fitness to proceed and may impanel a jury of six persons to assist in making the determination. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue. 9. At a hearing on the issue pursuant to subsection 8 of this section, the accused is presumed to have the mental fitness to proceed. The burden of proving that the accused does not have the mental fitness to proceed is by a preponderance of the evidence and the burden of going forward with the evidence is on the party raising the issue. The burden of going forward shall be on the state if the court raises the issue. 10. If the court determines that the accused lacks mental fitness to proceed, the criminal proceedings shall be suspended and the court shall commit him or her to the director of the department of mental health. The director of the department, or his or her designee, shall notify the court and the parties of the location and conditions for treatment. After the person has been committed, legal counsel for the department of mental health shall have standing to file motions and participate in hearings on the issue of involuntary medications. 11. Any person committed pursuant to subsection 10 of this section shall be entitled to the writ of habeas corpus upon proper petition to the court that committed him or her. The issue of the mental fitness to proceed after commitment under subsection 10 of this section may also be raised by a motion filed by the director of the department of mental health or by the state, alleging the mental fitness of the accused to proceed. A report relating to the issue of the accused's mental fitness to proceed may be attached thereto. When a motion to proceed is filed, legal counsel for the department of mental health shall have standing to participate in hearings on such motions. If the motion is not contested by the accused or his or her counsel or if after a hearing on a motion the court finds the accused mentally fit to proceed, or if he or she is ordered discharged from the director's custody upon a habeas corpus hearing, the criminal proceedings shall be resumed. 12. The following provisions shall apply after a commitment as provided in this section: (1) Six months after such commitment, the court which ordered the accused committed shall order an examination by the head of the facility in which the accused is committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall direct that written report or reports of the examination be filed with the clerk of the court within thirty days and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his or her counsel. The report required by this subsection shall conform to the requirements under subsection 3 of this section with the additional requirement that it include an opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to proceed in the foreseeable future; (2) Within ten days after the filing of the report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, of their own choosing and at their own expense. An examination performed pursuant to this subdivision shall be completed and filed with the court within thirty days unless the court, for good cause, orders otherwise. A copy shall be furnished to the opposing party; (3) If neither the state nor the accused nor his or her counsel requests a second examination relative to fitness to proceed or contests the findings of the report referred to in subdivision (1) of this subsection, the court may make a determination and finding on the basis of the report filed, or may hold a hearing on its own motion. If any such opinion is contested, the court shall hold a hearing on the issue. The report or reports may be received in evidence at any hearing on the issue but the party contesting any opinion therein relative to fitness to proceed shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue; (4) If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed; (5) If it is found that the accused lacks mental fitness to proceed but there is a substantial probability the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall continue such commitment for a period not longer than six months, after which the court shall reinstitute the proceedings required under subdivision (1) of this subsection; (6) If it is found that the accused lacks mental fitness to proceed and there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others will be applicable. The probate division of the circuit court shall have

concurrent jurisdiction over the accused upon the filing of a proper pleading to determine if the accused shall be involuntarily detained under chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental disability facility. When such proceedings are filed, the criminal charges shall be dismissed without prejudice if the court finds that the accused is mentally ill and should be committed or that he or she is incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal offense shall be tolled during the period that the accused lacks mental fitness to proceed. 13. If the question of the accused's mental fitness to proceed was raised after a jury was impaneled to try the issues raised by a plea of not guilty and the court determines that the accused lacks the mental fitness to proceed or orders the accused committed for an examination pursuant to this section, the court may declare a mistrial. Declaration of a mistrial under these circumstances, or dismissal of the charges pursuant to subsection 12 of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the same offense after he or she has been found restored to competency. 14. The result of any examinations made pursuant to this section shall not be a public record or open to the public. 15. No statement made by the accused in the course of any examination or treatment pursuant to this section and no information received by any examiner or other person in the course thereof, whether such examination or treatment was made with or without the consent of the accused or upon his or her motion or upon that of others, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court, state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged on the ground that at the time thereof he or she was afflicted with a mental disease or defect excluding responsibility, nor shall such finding by the court be introduced in evidence on that issue nor otherwise be brought to the notice of the jury. ---------- (L. 1963 p. 674 § 2, A.L. 1969 p. 572, A.L. 1971 S.B. 171, A.L. 1980 H.B. 1724, A.L. 1985 S.B. 265, A.L. 1994 S.B. 763, A.L. 1997 S.B. 56, A.L. 2011 H.B. 555 merged with H.B. 648, A.L. 2018 S.B. 660, A.L. 2023 S.B. 106) (1972) This section does not apply to post trial procedure. A conviction while defendant is legally incompetent violates due process. Brown v. State (Mo.), 485 S.W.2d 424. (1973) Held that pretrial psychiatric examination report became a record in the criminal proceeding and court could take judicial notice of its contents when considering a motion to vacate. State v. Conner (A.), 500 S.W.2d 300. (1976) Held, examination by osteopath who was not a "licensed psychiatrist" met the requirements of this section. State v. Mullen (A.), 532 S.W.2d 794. (1981) The accused, for the purpose of attempting to establish his partial responsibility or his diminished capacity, may introduce evidence obtained in the section 552.020 examination. State v. Strubberg (Mo.), 616 S.W.2d 809. (2019) Section only authorizes a circuit court to order the Department of Mental Health to conduct a psychiatric evaluation of a criminal defendant to determine whether the defendant is competent to stand trial or when the defendant intends to rely to the defense of not guilty by reason of insanity, rather than diminished capacity. Caruthers v. Wexler-Horn, 592 S.W.3d 328 (Mo.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.030 - Mental disease or defect, not guilty plea based on — evidence — notice of defense — examination, reports confidential — statements not admissible, exception — presumption of competency — verdict contents — order of commitment to department.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.030. Mental disease or defect, not guilty plea based on — evidence — notice of defense — examination, reports confidential — statements not admissible, exception — presumption of competency — verdict contents — order of commitment to department. —1. A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect such person was incapable of knowing and appreciating the nature, quality, or wrongfulness of such person's conduct. 2. Evidence of mental disease or defect excluding responsibility shall not be admissible at trial of the accused unless the accused, at the time of entering such accused's plea to the charge, pleads not guilty by reason of mental disease or defect excluding responsibility, or unless within ten days after a plea of not guilty, or at such later date as the court may for good cause permit, the accused files a written notice of such accused's purpose to rely on such defense. Such a plea or notice shall not deprive the accused of other defenses. The state may accept a defense of mental disease or defect excluding responsibility, whether raised by plea or written notice, if the accused has no other defense and files a written notice to that effect. The state shall not accept a defense of mental disease or defect excluding responsibility in the absence of any pretrial evaluation as described in this section or section 552.020. Upon the state's acceptance of the defense of mental disease or defect excluding responsibility, the court shall proceed to order the commitment of the accused as provided in section 552.040 in cases of persons acquitted on the ground of mental disease or defect excluding responsibility, and further proceedings shall be had regarding the confinement and release of the accused as provided in section 552.040. 3. Whenever the accused has pleaded mental disease or defect excluding responsibility or has given the written notice provided in subsection 2 of this section, and such defense has not been accepted as provided in subsection 2 of this section, the court shall, after notice and upon motion of either the state or the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused, or shall direct the director of the department of mental health, or the director's designee, to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness designated by the director, or the director's designee, as qualified to perform examinations pursuant to this chapter. The order shall direct that written report or reports of such examination

be filed with the clerk of the court. No private psychiatrist, psychologist, or physician shall be appointed by the court unless such psychiatrist, psychologist or physician has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department of mental health to have the accused examined, the director, or the director's designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluation. If an examination provided in section 552.020 was made and the report of such examination included an opinion as to whether, at the time of the alleged criminal conduct, the accused, as a result of mental disease or defect, did not know or appreciate the nature, quality or wrongfulness of such accused's conduct or as a result of mental disease or defect was incapable of conforming such accused's conduct to the requirements of law, such report may be received in evidence, and no new examination shall be required by the court unless, in the discretion of the court, another examination is necessary. If an examination is ordered pursuant to this section, the report shall contain the information required in subsections 3 and 5 of section 552.020. Within ten days after receiving a copy of such report, both the accused and the state shall, upon written request, be entitled to an order granting them an examination of the accused by an examiner of such accused's or its own choosing and at such accused's or its expense. The clerk of the court shall deliver copies of the report or reports to the prosecuting or circuit attorney and to the accused or his counsel. No reports required by this subsection shall be public records or be open to the public. Any examination performed pursuant to this subsection shall be completed and the results shall be filed with the court within sixty days of the date it is received by the department or private psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. 4. If the report contains the recommendation that the accused should be held in custody in a suitable hospital facility pending trial, and if the accused is not admitted to bail, or released on other conditions, the court may order that the accused be committed to or held in a suitable hospital facility pending trial. 5. No statement made by the accused in the course of any such examination and no information received by any physician or other person in the course thereof, whether such examination was made with or without the consent of the accused or upon the accused's motion or upon that of others, shall be admitted in evidence against the accused on the issue of whether the accused committed the act charged against the accused in any criminal proceeding then or thereafter pending in any court, state or federal. The statement or information shall be admissible in evidence for or against the accused only on the issue of the accused's mental condition, whether or not it would otherwise be deemed to be a privileged communication. If the statement or information is admitted for or against the accused on the issue of the accused's mental condition, the court shall, both orally at the time of its admission and later by instruction, inform the jury that it must not consider such statement or information as any evidence of whether the accused committed the act charged against the accused. 6. All persons are presumed to be free of mental disease or defect excluding responsibility for their conduct, whether or not previously adjudicated in this or any other state to be or to have been sexual or social psychopaths, or incompetent; provided, however, the court may admit evidence presented at such adjudication based on its probative value. The issue of whether any person had a mental disease or defect excluding responsibility for such person's conduct is one for the trier of fact to decide upon the introduction of substantial evidence of lack of such responsibility. But, in the absence of such evidence, the presumption shall be conclusive. Upon the introduction of substantial evidence of lack of such responsibility, the presumption shall not disappear and shall alone be sufficient to take that issue to the trier of fact. The jury shall be instructed as to the existence and nature of such presumption when requested by the state and, where the issue of such responsibility is one for the jury to decide, the jury shall be told that the burden rests upon the accused to show by a preponderance or greater weight of the credible evidence that the defendant was suffering from a mental disease or defect excluding responsibility at the time of the conduct charged against the defendant. At the request of the defense the jury shall be instructed by the court as to the contents of subsection 2 of section 552.040. 7. When the accused is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and the judgment shall so state as well as state the offense for which the accused was acquitted. The clerk of the court shall furnish a copy of any judgment or order of commitment to the department of mental health pursuant to this section to the criminal records central repository pursuant to section 43.503. ---------- (L. 1963 p. 674 § 3, A.L. 1969 p. 572, A.L. 1980 H.B. 1724, A.L. 1985 S.B. 265, A.L. 1993 S.B. 180, A.L. 1994 S.B. 763, A.L. 1999 H.B. 328, A.L. 2011 H.B. 555 merged with H.B. 648, A.L. 2023 S.B. 106) (1969) The purpose of this section is to prevent the surprise use of the defense of insanity precluding adequate rebuttal by the prosecution. State v. Holmes (Mo.), 439 S.W.2d 518. (1973) Criminal defendant is presumed to be free of mental disease unless defendant introduces substantial evidence of lack of responsibility, whereupon the matter becomes one for the trier of facts. In absence of such evidence, the presumption is conclusive. State v. Bacon (A.), 501 S.W.2d 499. (1974) When the General Assembly adopted provisions of the Model Penal Code, it did so with the intention of adopting the accompanying interpretation thereof by the drafters of that provision. State v. Anderson (Mo. banc), 515 S.W.2d 534. (1981) Subsection 3 of section 552.030 is an exception to the general bar enunciated in 552.020 precluding use of statements made by the accused in the course of any examination or treatment on the issue of guilt. State v. Strubberg (Mo.), 616 S.W.2d 809. (1981) The accused, for the purpose of attempting to establish his partial responsibility or his diminished capacity, may introduce evidence obtained in the section 552.020 examination. State v. Strubberg (Mo.), 616 S.W.2d 809. (1981) The partial responsibility doctrine may not be used by a defendant to avoid all criminal responsibility for his acts; to expunge himself of all criminal responsibility by reason of a mental disease or defect, the defendant must plead not guilty by reason of mental disease or defect and must comply with all the conditions of the statute. State v. Strubberg (Mo.), 616 S.W.2d 809.

immediate conditional release — conditional or unconditional release, when — prior commitment, authority to revoke — applications for release, notice, burden of persuasion, criteria — hearings required, when — denial, reapplication — escape, notice — additional criteria for release.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.040. Acquittal based on mental disease or defect, commitment to state hospital required — definitions — immediate conditional release — conditional or unconditional release, when — prior commitment, authority to revoke — applications for release, notice, burden of persuasion, criteria — hearings required, when — denial, reapplication — escape, notice — additional criteria for release. —1. For the purposes of this section, the following words mean: (1)"Prosecutor of the jurisdiction", the prosecuting attorney in a county or the circuit attorney of a city not within a county; (2)"Secure facility", a state mental health facility, state developmental disability facility, private facility under contract with the department of mental health, or a section within any of these facilities, in which persons committed to the department of mental health pursuant to this chapter shall not be permitted to move about the facility or section of the facility, nor to leave the facility or section of the facility, without approval by the head of the facility or such head's designee and adequate supervision consistent with the safety of the public and the person's treatment, habilitation or rehabilitation plan; (3)"Tried and acquitted"includes both pleas of mental disease or defect excluding responsibility that are accepted by the court and acquittals on the ground of mental disease or defect excluding responsibility following the proceedings set forth in section 552.030. 2. When an accused is tried and acquitted on the ground of mental disease or defect excluding responsibility, the court shall order such person committed to the director of the department of mental health for custody. The court shall also order custody and care in a state mental health or intellectual disability facility unless an immediate conditional release is granted pursuant to this section. If the accused has not been charged with a dangerous felony as defined in section 556.061, or with murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040*, or the attempts thereof, and the examination contains an opinion that the accused should be immediately conditionally released to the community by the court, the court shall hold a hearing to determine if an immediate conditional release is appropriate pursuant to the procedures for conditional release set out in subsections 10 to 14 of this section. Prior to the hearing, the court shall direct the director of the department of mental health, or the director's designee, to have the accused examined to determine conditions of confinement in accordance with subsection 5 of section 552.020. The provisions of subsection 16 of this section shall be applicable to defendants granted an immediate conditional release and the director shall honor the immediate conditional release as granted by the court. If the court determines that an immediate conditional release is warranted, the court shall order the person committed to the director of the department of mental health before ordering such a release. The court granting the immediate conditional release shall retain jurisdiction over the case for the duration of the conditional release. This shall not limit the authority of the director of the department of mental health or the director's designee to revoke the conditional release or the trial release of any committed person pursuant to subsection 17 of this section. If the accused is committed to a mental health or developmental disability facility, the director of the department of mental health, or the director's designee, shall determine the time, place and conditions of confinement. 3. The provisions of sections 630.110, 630.115, 630.130, 630.133, 630.135, 630.140, 630.145, 630.150, 630.180, 630.183, 630.192, 630.194, 630.196, 630.198, 630.805, 632.370, 632.395, and 632.435 shall apply to persons committed pursuant to subsection 2 of this section. If the department does not have a treatment or rehabilitation program for a mental disease or defect of an individual, that fact may not be the basis for a release from commitment. Notwithstanding any other provision of law to the contrary, no person committed to the department of mental health who has been tried and acquitted by reason of mental disease or defect as provided in section 552.030 shall be conditionally or unconditionally released unless the procedures set out in this section are followed. Upon request by an indigent committed person, the appropriate court may appoint the office of the public defender to represent such person in any conditional or unconditional release proceeding under this section. 4. Notwithstanding section 630.115, any person committed pursuant to subsection 2 of this section shall be kept in a secure facility until such time as a court of competent jurisdiction enters an order granting a conditional or unconditional release to a nonsecure facility. 5. The committed person or the head of the facility where the person is committed may file an application in the court that committed the person seeking an order releasing the committed person unconditionally; except that any person who has been denied an application for a conditional release pursuant to subsection 13 of this section shall not be eligible to file for an unconditional release until the expiration of one year from such denial. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the released person or the director of the department of mental health, or the director's designee, may file an application in the same court that released the committed person seeking an order releasing the committed person unconditionally. Copies of the application shall be served personally or by certified mail upon the head of the facility unless the head of the facility files the application, the committed person unless the committed person files the application, or unless the committed person was immediately conditionally released, the director of the department of mental health, and the prosecutor of the jurisdiction where the committed person was tried and acquitted. Any party objecting to the proposed release must do so in writing within thirty days after service. Within a reasonable period of time after any written objection is filed, which period shall not exceed sixty days unless otherwise agreed upon by the parties, the court shall hold a hearing upon notice to the committed person, the head of the facility, if necessary, the director of the department of mental health, and the prosecutor of the jurisdiction where the person was tried. Prior to the hearing any of the parties, upon written application, shall be entitled to an examination of the committed person, by a psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of one year training or experience in providing treatment or services to intellectually disabled or mentally ill individuals of its own choosing and at its expense. The report of the mental condition of the committed person shall accompany the application. By agreement of all parties to the proceeding any report of the mental condition of the committed person which may accompany the

application for release or which is filed in objection thereto may be received by evidence, but the party contesting any opinion therein shall have the right to summon and to cross-examine the examiner who rendered such opinion and to offer evidence upon the issue. 6. By agreement of all the parties and leave of court, the hearing may be waived, in which case an order granting an unconditional release shall be entered in accordance with subsection 8 of this section. 7. At a hearing to determine if the committed person should be unconditionally released, the court shall consider the following factors in addition to any other relevant evidence: (1) Whether or not the committed person presently has a mental disease or defect; (2) The nature of the offense for which the committed person was committed; (3) The committed person's behavior while confined in a mental health facility; (4) The elapsed time between the hearing and the last reported unlawful or dangerous act; (5) Whether the person has had conditional releases without incident; and (6) Whether the determination that the committed person is not dangerous to himself or others is dependent on the person's taking drugs, medicine or narcotics. --The burden of persuasion for any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility shall be on the party seeking unconditional release to prove by clear and convincing evidence that the person for whom unconditional release is sought does not have, and in the reasonable future is not likely to have, a mental disease or defect rendering the person dangerous to the safety of himself or others. 8. The court shall enter an order either denying the application for unconditional release or granting an unconditional release. An order denying the application shall be without prejudice to the filing of another application after the expiration of one year from the denial of the last application. 9. No committed person shall be unconditionally released unless it is determined through the procedures in this section that the person does not have, and in the reasonable future is not likely to have, a mental disease or defect rendering the person dangerous to the safety of himself or others. 10. The committed person or the head of the facility where the person is committed may file an application in the court having probate jurisdiction over the facility where the person is detained for a hearing to determine whether the committed person shall be released conditionally. In the case of a person committed to a mental health facility upon acquittal on the grounds of mental disease or defect excluding responsibility for a dangerous felony as defined in section 556.061, murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040*, any such application shall be filed in the court that committed the person. In such cases, jurisdiction over the application for conditional release shall be in the committing court. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the released person or the director of the department of mental health, or the director's designee, may file an application in the same court that released the person seeking to amend or modify the existing release. The procedures for application for unconditional releases set out in subsection 5 of this section shall apply, with the following additional requirements: (1) A copy of the application shall also be served upon the prosecutor of the jurisdiction where the person is being detained, unless the released person was immediately conditionally released after being committed to the department of mental health, or unless the application was required to be filed in the court that committed the person in which case a copy of the application shall be served upon the prosecutor of the jurisdiction where the person was tried and acquitted and the prosecutor of the jurisdiction into which the committed person is to be released; (2) The prosecutor of the jurisdiction where the person was tried and acquitted shall use their best efforts to notify the victims of dangerous felonies. Notification by the appropriate person or agency by certified mail to the most current address provided by the victim shall constitute compliance with the victim notification requirement of this section; (3) The application shall specify the conditions and duration of the proposed release; (4) The prosecutor of the jurisdiction where the person is being detained shall represent the public safety interest at the hearing unless the prosecutor of the jurisdiction where the person was tried and acquitted decides to appear to represent the public safety interest. --If the application for release was required to be filed in the committing court, the prosecutor of the jurisdiction where the person was tried and acquitted shall represent the public safety interest. In the case of a person who was immediately conditionally released after being committed to the department of mental health, the prosecutor of the jurisdiction where the person was tried and acquitted shall appear and represent the public safety interest. 11. By agreement of all the parties, the hearing may be waived, in which case an order granting a conditional release, stating the conditions and duration agreed upon by all the parties and the court, shall be entered in accordance with subsection 13 of this section. 12. At a hearing to determine if the committed person should be conditionally released, the court shall consider the following factors in addition to any other relevant evidence: (1) The nature of the offense for which the committed person was committed; (2) The person's behavior while confined in a mental health facility; (3) The elapsed time between the hearing and the last reported unlawful or dangerous act; (4) The nature of the person's proposed release plan; (5) The presence or absence in the community of family or others willing to take responsibility to help the defendant adhere to the conditions of the release; and (6) Whether the person has had previous conditional releases without incident. --The burden of persuasion for any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility shall be on the party seeking release to prove by clear and convincing evidence that the person for whom release is sought is not likely to be dangerous to others while on conditional release. 13. The court shall enter an order either denying the application for a conditional release or granting conditional release. An order denying the application shall be without prejudice to the filing of another application after the expiration of one year from the denial of the last application. 14. No committed person shall be conditionally released until it is determined that the committed person is not likely to be dangerous to others while on conditional release. 15. If, in the opinion of the head of a facility where a committed person is being detained, that person can be released without danger to others, that person may be released from the facility for a trial release of up to ninety-six hours under the following procedure: (1) The head of the facility where the person is committed shall notify the prosecutor of the jurisdiction where the committed person was tried and acquitted and the prosecutor of the jurisdiction into which the committed person is to be released at least thirty days before the date of the proposed trial release; (2) The notice shall specify

the conditions and duration of the release; (3) If no prosecutor to whom notice is required objects to the trial release, the committed person shall be released according to conditions and duration specified in the notice; (4) If any prosecutor objects to the trial release, the head of the facility may file an application with the court having probate jurisdiction over the facility where the person is detained for a hearing under the procedures set out in subsections 5 and 10 of this section with the following additional requirements: (a) A copy of the application shall also be served upon the prosecutor of the jurisdiction into which the committed person is to be released; and (b) The prosecutor or prosecutors who objected to the trial release shall represent the public safety interest at the hearing; and (5) The release criteria of subsections 12 to 14 of this section shall apply at such a hearing. 16. The department shall provide or shall arrange for follow-up care and monitoring for all persons conditionally released under this section and shall make or arrange for reviews and visits with the client at least monthly, or more frequently as set out in the release plan, and whether the client is receiving care, treatment, habilitation or rehabilitation consistent with his needs, condition and public safety. The department shall identify the facilities, programs or specialized services operated or funded by the department which shall provide necessary levels of follow-up care, aftercare, rehabilitation or treatment to the persons in geographical areas where they are released. 17. The director of the department of mental health, or the director's designee, may revoke the conditional release or the trial release and request the return of the committed person if such director or coordinator has reasonable cause to believe that the person has violated the conditions of such release. If requested to do so by the director or coordinator, a peace officer of a jurisdiction in which a patient on conditional release is found shall apprehend and return such patient to the facility. No peace officer responsible for apprehending and returning the committed person to the facility upon the request of the director or coordinator shall be civilly liable for apprehending or transporting such patient to the facility so long as such duties were performed in good faith and without negligence. If a person on conditional release is returned to a facility under the provisions of this subsection, a hearing shall be held within ninety-six hours, excluding Saturdays, Sundays and state holidays, to determine whether the person violated the conditions of the release or whether resumption of full-time hospitalization is the least restrictive alternative consistent with the person's needs and public safety. The director of the department of mental health, or the director's designee, shall conduct the hearing. The person shall be given notice at least twenty-four hours in advance of the hearing and shall have the right to have an advocate present. 18. At any time during the period of a conditional release or trial release, the court which ordered the release may issue a notice to the released person to appear to answer a charge of a violation of the terms of the release and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the released person. The warrant shall authorize the return of the released person to the custody of the court or to the custody of the director of mental health or the director's designee. 19. The head of a mental health facility, upon any notice that a committed person has escaped confinement, or left the facility or its grounds without authorization, shall immediately notify the prosecutor and sheriff of the county wherein the committed person is detained of the escape or unauthorized leaving of grounds and the prosecutor and sheriff of the county where the person was tried and acquitted. 20. Any person committed to a mental health facility under the provisions of this section upon acquittal on the grounds of mental disease or defect excluding responsibility for a dangerous felony as defined in section 556.061, murder in the first degree pursuant to section 565.020, or sexual assault pursuant to section 566.040*shall not be eligible for conditional or unconditional release under the provisions of this section unless, in addition to the requirements of this section, the court finds that the following criteria are met: (1) Such person is not now and is not likely in the reasonable future to commit another violent crime against another person because of such person's mental illness; and (2) Such person is aware of the nature of the violent crime committed against another person and presently possesses the capacity to appreciate the criminality of the violent crime against another person and the capacity to conform such person's conduct to the requirements of law in the future. ---------- (L. 1963 p. 674 § 4, A.L. 1969 p. 572, A.L. 1980 H.B. 1724, A.L. 1985 S.B. 265, A.L. 1986 S.B. 618 & 562, A.L. 1991 H.B. 568, A.L. 1994 S.B. 763, A.L. 1996 S.B. 884 & 841, A.L. 1999 H.B. 327, A.L. 2011 H.B. 555 merged with H.B. 648, A.L. 2014 H.B. 1064, A.L. 2023 S.B. 106) *Section 566.040 was transferred to 566.031 in 2013. (1965) Petitioner confined in mental institution must resort to statutory procedure for judicial review of his existing mental condition before seeking federal habeas corpus. Cyronne DeVirgin v. State of Missouri, 341 F.2d 568. (1974) Held that court must be satisfied that applicant poses no danger to himself or others and that cure of mental problem had at time of commitment does not necessarily guarantee that another dangerous mental problem does not exist. A psychiatrist opinion alone is not conclusive. State v. Montague (A.), 510 S.W.2d 776. (1977) Release under this section is solely on patient's mental condition and potential dangerousness. The fact that the patient can be given no further beneficial treatment does not of itself justify release. State v. Davee (A.), 558 S.W.2d 335. (1991) Although statute permitted person confined to Missouri state hospital to reapply for release every one hundred eighty days, petitioner was not required to reapply for release from state hospital continually and appeal every denial in order to satisfy exhaustion requirements for federal habeas corpus relief. Kolocotronis v. Holcomb, 925 F.2d 278 (8th Cir.). (1994) It is constitutionally permissible to place burden of proof on insanity acquittee seeking release to prove that he or she is no longer suffering from mental disease or defect rendering him or her dangerous to the safety of self or others. Trial court erred in finding section unconstitutional for placing the burden of persuasion upon the person seeking release. Styles v. State, 877 S.W.2d 113 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.043 - Hearings open to public.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.043. Hearings open to public. —All hearings held pursuant to the provisions of section 552.040 shall be open to the public. ---------- (L. 1994 S.B. 763)

Title: title-xxxvii

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.045 - Transcript of proceedings and preliminary letter to institution, when.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.045. Transcript of proceedings and preliminary letter to institution, when. —1. Whenever the court commits to a state institution for observation or detention the person afflicted with a mental disease or defect under authority of this chapter, the court shall also order a transcript of all, or any part, of the evidence or oral proceedings in the case to be given to the institution and the expense to be paid as authorized by section 485.100*. 2. Whenever the court orders a person committed to a state institution for observation or detention under this chapter, an appropriate preliminary letter shall accompany the commitment order containing sufficient information to enable the institution to detain properly and to start preliminary evaluation of the committed person. 3. The preliminary letter shall include, if available, the following: (1) A statement of the person's family and occupational status, past delinquency and criminal records; (2) A summary of the facts surrounding the alleged crime, including reports of police investigation, if such document exists, a statement of his behavior while under arrest; and (3) An opinion as to whether he has a violent nature and what degree of security detention seems appropriate. ---------- (L. 1965 p. 668) *Transferred 2000; now 488.2250

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.050 - Mental illness during service of sentence, proceedings relating thereto.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.050. Mental illness during service of sentence, proceedings relating thereto. —1. If the chief administrative officer of any correctional facility has reasonable cause to believe that any offender needs care in a mental hospital, he or she shall so certify to the division of classification and treatment, which shall then transfer the offender to a state mental hospital for custody, care and treatment. The hospital may detain and treat the offender for a period of time not to exceed ninety-six hours. At the expiration of the ninety-six hours, the offender shall be returned to a correctional facility designated by the department of corrections unless the individual admits himself or herself as a voluntary patient or the head of the facility files for involuntary detention and treatment pursuant to chapter 632. The petition filed pursuant to section 632.330 shall be filed in the court having probate jurisdiction over the mental health facility in which the offender is being detained. The offender shall have the rights afforded respondents in sections 632.330 and 632.335, except that at the conclusion of the hearing on the petition the court may order the offender detained for a period of time not to exceed ninety days. At the expiration of the ninety-day commitment period ordered by the court, the offender may be detained and treated involuntarily for up to an additional one year under sections 632.355 and 632.360. 2. When an offender needs care in a mental hospital and is committed or transferred to a state mental hospital, the time spent at the mental hospital shall be calculated as a part of the sentence imposed upon him or her whether the sentence is an indeterminate one or for a definite period of time. The time spent at the mental hospital shall be deducted from the term of the sentence. 3. When an offender who has been transferred from a correctional facility to a state mental hospital recovers before the expiration of his or her sentence, the superintendent of the hospital shall so certify in writing to the division of classification and treatment. He or she shall thereupon be transferred to such correctional facility as the department may direct. 4. An offender who has been committed to or transferred to a state mental hospital and is still mentally ill at the expiration of his or her sentence may be discharged and delivered to any person who is able and willing to maintain him or her comfortably and to the satisfaction of the superintendent of the hospital, if, in the opinion of the superintendent, it is reasonably safe for the person to be at large. Before discharging the offender the superintendent shall receive verification of the expiration of the offender's sentence from the director of corrections. The person so discharged may, in the discretion of the superintendent, be provided with the whole or a portion of the allowances granted to discharged prisoners by section 217.285. The cost of such allowance shall be paid from the same funds as are allowances granted to persons discharged directly from a correctional facility. 5. When the term of an offender who has been committed or transferred to a state mental hospital has expired and the person, in the opinion of the hospital superintendent, is still in need of care in a mental hospital and for the welfare and safety of himself or herself or others should remain in the hospital for custody, care and treatment, he or she shall be retained in the hospital only if proper involuntary detention proceedings have been instituted and held as provided in chapter 632. Thereafter this chapter and no other shall be applicable to his or her continued hospitalization and discharge. ---------- (L. 1963 p. 674 § 5, A.L. 1971 S.B. 171, A.L. 1980 H.B. 1724, A.L. 1983 H.B. 713 Revision, A.L. 1990 H.B. 974, A.L. 2023 S.B. 106)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.060 - Mental disease or defect upon sentence to death.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.060. Mental disease or defect upon sentence to death. —1. No person condemned to death shall be executed if as a result of mental disease or defect he lacks capacity to understand the nature and purpose of the punishment about to be imposed upon him or matters in extenuation, arguments for executive clemency or reasons why the sentence should not be carried out. 2. If the director of the department of corrections has reasonable cause to believe that any inmate then in confinement in a correctional facility and sentenced to death has a mental disease or defect excluding fitness for execution, he shall immediately notify the governor who shall forthwith order a stay of execution of the sentence if there is not sufficient time between such notification and time of execution for a determination of the mental condition of such person to be made in accordance with the provisions of this section without such stay. The director shall also, as soon as reasonably possible,

notify the director of the department of mental health and the prosecuting or circuit attorney of the county where the defendant was tried, the attorney general and the circuit court of the county where the correctional facility is located. 3. As soon as reasonably possible, after the notification prescribed in subsection 2 of this section, the circuit court of the county shall conduct an inquiry into the mental condition of the offender after first granting any of the parties entitled to notification an examination by a physician of their own choosing on proper application made within five days of such notification. 4. If the court, after such inquiry, certifies to the governor and to the director that the prisoner does not have a mental disease or defect of the type referred to in subsection 1 of this section, the governor shall fix a new date for the execution, if a stay of execution had previously been made, and shall issue a warrant for the new execution date to the chief administrative officer of the correctional facility, who shall then proceed with the execution as ordered. If the court, after such inquiry, certifies to the governor and to the director that the prisoner has a mental disease or defect of the type referred to in subsection 1 of this section, the offender shall not be executed but shall be held in the correctional facility subject to transfer to a mental hospital and further proceedings under section 552.050 if the provisions of section 552.050 are applicable. If any offender who has not been executed because of any certification by the director as herein provided is thereafter certified by the director as free of a mental disease or defect of the type referred to in subsection 1 of this section, the governor shall fix a new date for the execution and shall issue a warrant for the new execution date to the chief administrative officer of the correctional facility, who shall then take charge and custody of the offender and proceed with the execution as ordered in the warrant. 5. Nothing in this chapter shall be construed to limit the governor or any court in the exercise of any of their powers in any other manner under the law or Constitution of Missouri. ---------- (L. 1963 p. 674 § 6, A.L. 1989 H.B. 408)

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.070 - Power of governor to grant reprieves, commutations and pardons.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.070. Power of governor to grant reprieves, commutations and pardons. —In the exercise of his powers under Article IV, Section 7 of the Constitution of Missouri to grant reprieves, commutations and pardons after conviction, the governor may, in his discretion, appoint a board of inquiry whose duty it shall be to gather information, whether or not admissible in a court of law, bearing upon whether or not a person condemned to death should be executed or reprieved or pardoned, or whether the person's sentence should be commuted. It is the duty of all persons and institutions to give information and assistance to the board, members of which shall serve without remuneration. Such board shall make its report and recommendations to the governor. All information gathered by the board shall be received and held by it and the governor in strict confidence. ---------- (L. 1963 p. 674 § 7) (2000) Appointment of board of inquiry is within the Governor's sole discretion; an inmate has no due process right to such an appointment. Roll v. Carnahan, 225 F.3d 1016 (8th Cir.).

2024 Missouri Revised StatutesTitle XXXVII - Criminal ProcedureChapter 552 - Criminal Proceedings Involving Mental IllnessSection 552.080 - Court costs, examination fees, care and treatment, transportation, how paid.

Title XXXVII CRIMINAL PROCEDURE Chapter 552 552.080. Court costs, examination fees, care and treatment, transportation, how paid. —1. Notwithstanding any other provisions of law, the court in which the proceedings are pending shall, upon application and approval, order the payment of or tax as costs the following expenses and fees, which in each case shall be reasonable, and so found by the court: (1) Expenses and fees for examinations, reports and expert testimony of private psychiatrists who are neither employees nor contractors of the department of mental health for purposes of performing such services and who are appointed by the court to examine the accused under sections 552.020 and 552.030; (2) The expenses of conveying any prisoner from a jail to a facility of the department of mental health and the expense of returning him to a jail under the provisions of section 552.020, 552.030, 552.040 or 552.050. --Such expenses and fees shall be paid, no matter how taxed as costs or collected, by the state, county or defendant, when liable for such costs under the provisions of chapter 550. Such order may be made at any time before or after the final disposition of the case and whether or not the accused is convicted or sentenced to the custody of the division of corrections or county jail, as the case may be, or placed upon probation or granted parole. 2. The expenses and fees provided in subsection 1 of this section may be levied and collected under execution; except that, if the state or county has by inadvertence or mistake paid expenses or fees as provided in subsection 1 of this section, the political entity having made such a mistake or inadvertent payment shall be entitled to recover the same from the entity responsible for such payment. 3. If a person is ordered held or hospitalized by the director of the department of mental health or in one of the facilities of the department of mental health pursuant to the following provisions, the liability for hospitalization shall be paid by the person, his estate or those responsible for his support in accordance with chapter 630: (1) Following determination of lack of mental fitness to proceed under subsection 8 of section 552.020; (2) Following acquittal because of lack of responsibility due to mental disease or defect under section 552.030, and subsequent order of commitment to the director of the department of mental health under section 552.040. 4. The method of collecting the costs and expenses herein provided or otherwise incurred in connection with the custody, examination, trial, transportation or treatment of any person accused or convicted of any offense shall not be exclusive and same may be collected in any other manner provided by law. ---------- (L. 1963 p. 674 § 8, A.L. 1969 p. 572, A.L. 1971 S.B. 163, A.L. 1980 H.B. 1724, A.L. 2023 S.B. 106)

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.001 - Effective date, criminal code revision.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.001. Effective date, criminal code revision. —The enactment of sections 27.105, 43.544,*192.2400, 192.2405, 192.2410, 192.2415, 192.2420, 192.2425, 192.2430, 192.2435, 192.2440, 192.2445, 192.2450, 192.2455, 192.2460, 192.2465, 192.2470, 192.2475, 192.2480, 192.2485, 192.2490, 192.2495, 192.2500, 192.2505*, 302.400, 302.405, 302.410, 302.415, 302.420, 302.425, 302.426, 302.440, 302.442, 302.454, 302.456, 302.458, 302.460, 302.462, 302.574, 302.580****, 302.584, 302.592, 305.125, 305.126, 311.315, 351.493, 479.172, 513.660, 537.123, 537.127, 542.425, 544.218, 544.472, 545.940, 556.038, 556.101, 557.051, 558.002, 558.004, 558.006, 558.008, 562.012, 562.014, 565.010, 565.027, 565.029, 565.052, 565.054, 565.056, 565.076, 565.079, 565.091, 565.189, 565.222, 565.227, 565.240, 566.069, 566.071, 566.115, 566.116, 566.125, 566.210, 566.211, 569.053, 569.075, 569.132, 569.135, 569.137, 570.023, 570.025, 570.039, 570.053, 570.057, 570.302, 570.350, 570.375, 570.400, 570.402, 570.404, 570.406, 570.408, 570.410, 572.015, 573.200, 573.205, 573.215, 574.005, 574.080, 574.120, 574.125, 574.130, 574.140, 575.095, 575.133, 575.155, 575.157, 577.013, 577.014, 577.015, 577.016, 577.024, 577.025, 577.078, 577.300, 577.599, 577.605, 577.700, 577.703, 577.706, 577.709, 577.712, 577.715, 577.718, 578.026, 578.398, 578.399, 578.475, 579.015, 579.020, 579.030, 579.040, 579.045, 579.050, 579.055, 579.060, 579.065, 579.068, 579.070, 579.072, 579.074, 579.076, 579.078, 579.080, 579.082, 579.084, 579.086, 579.090, 579.095, 579.097, 579.099, 579.101, 579.103, 579.105, 579.107, 579.110, 579.115, 579.150, 579.155, 579.170, 579.175, 579.180, 579.185, 595.223, 595.226, 595.229, 595.232, 610.130, 630.161, 630.162, 630.164, 650.150, 650.153, 650.156, 650.159, 650.161, 650.165, and 660.360, and the repeal and reenactment of sections 32.057, 105.478, 115.631, 130.028***, 142.909, 142.911, 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.140, 195.150, 195.190, 195.195, 195.198, 195.375, 195.417, 195.418, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 210.1012, 211.038, 214.410, 217.010, 217.364, 217.385, 217.400, 217.405, 217.541, 217.542, 217.543, 217.692, 217.703, 217.735, 217.785*****, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.570, 301.640, 302.015, 302.020, 302.060***, 302.304***, 302.309, 302.321, 302.500, 302.540, 302.541, 302.605, 302.700, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.516, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 476.055***, 542.402, 544.665, 556.011, 556.021, 556.026, 556.036, 556.037, 556.041, 556.046, 556.061, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 558.011, 558.016, 558.019, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.106, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.046, 563.051, 563.056, 563.061, 563.070, 565.002, 565.004, 565.021, 565.023, 565.024, 565.035, 565.050, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.130, 565.140, 565.150, 565.153, 565.156, 565.160, 565.163, 565.184, 565.188, 565.218, 565.225, 565.252, 565.300, 566.010, 566.020, 566.023, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100, 566.101, 566.111, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.215, 566.218, 567.010, 567.020, 567.030, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.060, 568.065, 568.070, 568.175, 569.010, 569.040, 569.050, 569.055, 569.060, 569.065, 569.080, 569.090, 569.095, 569.097, 569.099, 569.100, 569.120, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.070, 570.085, 570.090, 570.100, 570.103, 570.110, 570.120, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.180, 570.210, 570.217, 570.219, 570.220, 570.223, 570.224, 570.225, 570.300, 570.310, 570.380, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 573.010, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.509, 573.531, 574.010, 574.020, 574.035, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.029, 577.031, 577.037, 577.041***, 577.060, 577.068, 577.070, 577.073, 577.075, 577.076, 577.080, 577.100, 577.150, 577.155, 577.161, 577.600, 577.612, 577.675, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.095, 578.151, 578.152, 578.153, 578.173, 578.176, 578.350, 578.365, 578.405, 578.421, 578.425, 578.430, 578.437, 578.520, 578.525, 578.614, 589.015, 589.400, 589.425, 590.700, 610.125, 630.155, 630.165, 632.480, and 701.320, and the repeal of sections 130.028***, 130.031***, 195.025, 195.110, 195.130, 195.135, 195.180, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 217.360, 302.060***, 302.304***, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 476.055***, 556.016, 556.022, 556.051, 556.056, 556.063, 557.041, 557.046, 558.018, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 564.011, 564.016, 565.025, 565.060, 565.063, 565.065, 565.070, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.092, 565.095, 565.100, 565.149, 565.165, 565.169, 565.180,

565.182, 565.186, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.220, 565.250, 565.253, 565.255, 565.350, 566.013, 566.135, 566.140, 566.141, 566.212, 566.213, 566.221, 566.224, 566.226, 566.265, 567.040, 568.052, 568.080, 568.090, 568.100, 568.110, 568.120, 569.020, 569.025, 569.030, 569.035, 569.067, 569.070, 569.072, 569.094, 570.033, 570.040, 570.050, 570.055, 570.080, 570.087, 570.123, 570.155, 570.160, 570.170, 570.190, 570.200, 570.215, 570.222, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 572.110, 572.120, 573.013, 573.500, 573.528, 574.030, 575.021, 575.350, 577.005, 577.006, 577.026, 577.039, 577.041***, 577.049, 577.051, 577.052, 577.054, 577.065, 577.071, 577.090, 577.105, 577.110, 577.160, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.602, 577.604, 577.606, 577.608, 577.610, 577.614, 577.625, 577.628, 577.680, 578.008, 578.075, 578.150, 578.154, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.353, 578.360, 578.363, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.392, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.433, 578.445, 578.450, 578.500, 578.510, 578.530, 578.570,**660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, and 660.321**shall become effective January 1, 2017. ---------- (L. 2014 S.B. 491 § B merged with H.B. 1371 § B) *...*These sections appeared as sections 197.1000, 197.1002, 197.1004, 197.1006, 197.1008, 197.1010, 197.1012, 197.1014, 197.1016, 197.1018, 197.1020, 197.1022, 197.1024, 197.1026, 197.1028, 197.1030, 197.1032, 197.1034, 197.1036, 197.1038, 197.1040, and 197.1042 in S.B. 491 and H.B. 1371. **...**These sections were repealed by H.B. 1299 Revision, 2014, effective 8-28-14. ***These sections were multiple versions. ****Revisor's Note: Due to the delayed effective date of SB 491 and HB 1371, Section B of both bills were merged and codified by inserting the statutory section numbers for the sections contained in SB 491 and HB 1371. Section 305.580, which was not contained in either SB 491 or HB 1371, was inadvertently codified in this section instead of Section 302.580, which was contained in SB 491, due to an apparent typographical error. *****This section was repealed by S.B. 103, 2023.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.011 - Short title.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.011. Short title. —Chapters 556 to 580*shall be known and may be cited as "The Revised Criminal Code". ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 *Chapter 580 does not exist.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.021 - Infractions — procedure — default judgment, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.021. Infractions — procedure — default judgment, when. —1. An infraction does not constitute a criminal offense and conviction of an infraction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. 2. Except as otherwise provided by law, the procedure for infractions shall be the same as for a misdemeanor. 3. If a person fails to appear in court either solely for an infraction or for an infraction which is committed in the same course of conduct as a criminal offense for which the person is charged, or if a person fails to respond to notice of an infraction from the central violations bureau established in section 476.385, the court may issue a default judgment for court costs and fines for the infraction which shall be enforced in the same manner as other default judgments, including enforcement under sections 488.5028 and 488.5030, unless the court determines that good cause or excusable neglect exists for the person's failure to appear for the infraction. The notice of entry of default judgment and the amount of fines and costs imposed shall be sent to the person by first class mail. The default judgment may be set aside for good cause if the person files a motion to set aside the judgment within six months of the date the notice of entry of default judgment is mailed. 4. Notwithstanding subsection 3 of this section or any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation that is classified or charged as an infraction; except that, a court shall not issue a warrant for failure to appear for any violation that is classified or charged as an infraction under chapter 307. 5. Judgment against the defendant for an infraction shall be in the amount of the fine authorized by law and the court costs for the offense. ---------- (L. 1977 S.B. 60, A.L. 2009 H.B. 683, A.L. 2010 H.B. 1540, A.L. 2014 S.B. 491, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.026 - Offenses and infractions to be defined by statute.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.026. Offenses and infractions to be defined by statute. —No conduct constitutes an offense or infraction unless made so by this code or by other applicable statute. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.031 - Application to offenses committed before and after enactment.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.031. Application to offenses committed before and after enactment. —1. The provisions of this code shall govern the construction and punishment for any offense defined in this code and committed after January 1, 1979, as well as the construction and application of

any defense to a prosecution for such an offense. 2. Offenses defined outside of this code and not repealed shall remain in effect, but unless otherwise expressly provided or unless the context otherwise requires, the provisions of this code shall govern the construction of any such offenses committed after January 1, 1979, as well as the construction and application of any defense to a prosecution for such offenses. 3. The provisions of this code do not apply to or govern the construction of and punishment for any offense committed prior to January 1, 1979, or the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this code had not been enacted, the provisions of section 1.160 notwithstanding. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.036 - Time limitations.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.036. Time limitations. —1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first degree, attempted forcible sodomy, or any class A felony may be commenced at any time. 2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation: (1) For any felony, three years, except as provided in subdivision (4) of this subsection; (2) For any misdemeanor, one year; (3) For any infraction, six months; (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years. 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for: (1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term"person who has a legal duty to represent an aggrieved party"shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and (2) Any offense based upon misconduct in office by a public officer or employee at any time when the person is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and (3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years. 4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the person's complicity therein is terminated. Time starts to run on the day after the offense is committed. 5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed. 6. The period of limitation does not run: (1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; (2) During any time when the accused is concealing himself or herself from justice either within or without this state; (3) During any time when a prosecution against the accused for the offense is pending in this state; (4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020; or (5) During any period of time after which a DNA profile is developed from evidence collected in relation to the commission of a crime and included in a published laboratory report until the date upon which the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused. For purposes of this section, the term"DNA profile"means the collective results of the DNA analysis of an evidence sample. ---------- (L. 1977 S.B. 60, A.L. 1986 S.B. 685, A.L. 1997 S.B. 56, A.L. 1999 H.B. 487, A.L. 2002 H.B. 1037, et al. merged with S.B. 650, A.L. 2005 H.B. 353, A.L. 2006 H.B. 1857, A.L. 2009 H.B. 62, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491, A.L. 2018 S.B. 819) (1987) Subsection 2 of this section does not apply and defendant was entitled to have jury determine punishment rather than judge where defendant was charged with felony and being a prior offender and jury returned verdict on lesser included charge that was misdemeanor. State v. Meeks, 734 S.W.2d 282 (Mo.App.W.D.). (2012) Tolling of statute of limitations upon filing of a felony complaint does not conflict with Article I, Section 17 provision prohibiting felony prosecutions otherwise than by indictment or information. State v. Mixon, 391 S.W.3d 881 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.037 - Time limitations for prosecutions for sexual offenses involving a person under eighteen.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.037. Time limitations for prosecutions for sexual offenses involving a person under eighteen. —1. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under may be commenced at any time. 2. For purposes of this section,"sexual offenses"include, but are not limited to, all offenses for which registration is required under sections 589.400 to 589.425. ---------- (L. 1987 H.B. 598 § 18, A.L. 1990 H.B. 1370, et al., A.L. 1997 H.B. 104, A.L. 2004 H.B. 1055 merged with H.B. 1487, A.L. 2011 S.B. 54, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491, A.L. 2018 S.B. 655 merged with S.B. 819) CROSS REFERENCES: Childhood sexual abuse damage action, time limitation on bringing action after August 28, 1990, 537.046 Statute of limitation in action for damages for sexual contact with person within third degree of consanguinity or affinity, 516.371

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.038 - Time limitation to prosecute.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.038. Time limitation to prosecute. —Notwithstanding the provisions of section 556.036, either misdemeanor or felony prosecutions under sections 565.252 to 565.257 shall be commenced within the following periods of limitation: (1) Three years from the date the viewing, photographing or filming occurred; or (2) If the person who was viewed, photographed or filmed did not realize at the time that he was being viewed, photographed or filmed, within three years of the time the person who was viewed or in the photograph or film first learns that he was viewed, photographed or filmed. ---------- (L. 1995 H.B. 160 § 1 subsec. 4, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.255; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.041 - Limitation on conviction for multiple offenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.041. Limitation on conviction for multiple offenses. —When the same conduct of a person may establish the commission of more than one offense he or she may be prosecuted for each such offense. Such person may not, however, be convicted of more than one offense if: (1) One offense is included in the other, as defined in section 556.046; or (2) Inconsistent findings of fact are required to establish the commission of the offenses; or (3) The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct; or (4) The offense is defined as a continuing course of conduct and the person's course of conduct was uninterrupted, unless the law provides that specific periods of such conduct constitute separate offenses. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 (1981) Kidnapping and rape were separate offenses and defendant thus was not punished twice for same offense because confinement and movement of victim were not incidental to commission of rape but increased risk of harm and danger to victim. State v. Stewart (A.), 615 S.W.2d 600. (1997) Conviction for both rape and child abuse did not subject defendant to double jeopardy. Bass v. State, 950 S.W.2d 940 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.046 - Conviction of included offenses — jury instructions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.046. Conviction of included offenses — jury instructions. —1. A person may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when: (1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or (2) It is specifically denominated by statute as a lesser degree of the offense charged; or (3) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein. 2. The court shall not be obligated to charge the jury with respect to an included offense unless there is a rational basis for a verdict acquitting the person of the offense charged and convicting him or her of the included offense. An offense is charged for purposes of this section if: (1) It is in an indictment or information; or (2) It is an offense submitted to the jury because there is a rational basis for a verdict acquitting the person of the offense charged and convicting the person of the included offense. 3. The court shall be obligated to instruct the jury with respect to a particular included offense only if the instruction is requested and there is a rational basis in the evidence for acquitting the person of the immediately higher included offense and convicting the person of that particular included offense. ---------- (L. 1977 S.B. 60, A.L. 2001 S.B. 223, A.L. 2014 S.B. 491, A.L. 2022 S.B. 775, et al.) (1981) Statute providing that defendant may be convicted of offense included in offense charged is legislative determination that offense can be a lesser offense of another offense so that charge of greater will support conviction of lesser although lesser is not necessarily included in greater; declining to follow State v. Handley, 585 S.W.2d 458, to extent of conflict. State v. Wilkerson (Mo.), 616 S.W.2d 829. (1981) Statute must be construed as requiring an instruction on a lesser-included offense only where there is evidence of probative value which could form basis of an acquittal of greater offense and a conviction of lesser-included offense. State v. Hill (A.), 614 S.W.2d 744.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.061 - Code definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.061. Code definitions. —In this code, unless the context requires a different definition, the following terms shall mean: (1)"Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network; (2)"Affirmative defense": (a) The defense referred to is not submitted to the trier of fact unless supported by evidence; and (b) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not; (3)"Burden of injecting the issue": (a) The issue referred to is not submitted to the trier of fact unless supported by evidence; and (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue; (4)"Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term

commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency; (5)"Computer", the box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term"computer system"is used. Information refers to all the information on a computer system including both software applications and data; (6)"Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network; (7)"Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks; (8)"Computer network", two or more interconnected computers or computer systems; (9)"Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions; (10)"Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs; (11)"Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items; (12)"Computer system", a set of related, connected or unconnected, computer equipment, data, or software; (13)"Confinement": (a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until: a. A court orders the person's release; or b. The person is released on bail, bond, or recognizance, personal or otherwise; or c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement; (b) A person is not in confinement if: a. The person is on probation or parole, temporary or otherwise; or b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement; (14)"Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if: (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (c) It is induced by force, duress or deception; (15)"Controlled substance", a drug, substance, or immediate precursor in schedules I through V as defined in chapter 195; (16)"Criminal negligence", failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation; (17)"Custody", a person is in custody when he or she has been arrested but has not been delivered to a place of confinement; (18)"Damage", when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network; (19)"Dangerous felony", the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, armed criminal action, conspiracy to commit an offense when the offense is a dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001; (20)"Dangerous instrument", any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury; (21)"Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a

formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer; (22)"Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles; (23)"Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer; (24)"Disability", a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings; (25)"Elderly person", a person sixty years of age or older; (26)"Felony", an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year; (27)"Forcible compulsion"either: (a) Physical force that overcomes reasonable resistance; or (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person; (28)"Incapacitated", a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act; (29)"Infraction", a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction; (30)"Inhabitable structure", a vehicle, vessel or structure: (a) Where any person lives or carries on business or other calling; or (b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or (c) Which is used for overnight accommodation of persons. --Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another; (31)"Knowingly", when used with respect to: (a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or (b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result; (32)"Law enforcement officer", any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States; (33)"Misdemeanor", an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less; (34)"Of another", property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement; (35)"Offense", any felony or misdemeanor; (36)"Physical injury", slight impairment of any function of the body or temporary loss of use of any part of the body; (37)"Place of confinement", any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held; (38)"Possess"or"possessed", having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint; (39)"Property", anything of value, whether real or personal, tangible or intangible, in possession or in action; (40)"Public servant", any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses; (41)"Purposely", when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result; (42)"Recklessly", consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation; (43)"Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty; (44)"Serious physical injury", physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body; (45)"Services", when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions; (46)"Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender; (47)"Vehicle", a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft; (48)"Vessel", any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars; (49)"Voluntary act": (a) A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his

or her control; or (b) An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law; (50)"Vulnerable person", any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program. ---------- (L. 1977 S.B. 60, A.L. 1982 H.B. 1201, A.L. 1983 S.B. 44 & 45, S.B. 276, A.L. 1984 S.B. 448 § A, H.B. 1255, A.L. 1987 S.B. 372, A.L. 1990 H.B. 1370, et al., A.L. 1994 S.B. 763, A.L. 1999 H.B. 165 merged with S.B. 177, A.L. 2002 S.B. 969, et al., A.L. 2003 S.B. 5, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2013 H.B. 215 merged with H.B. 505, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2020 S.B. 600) (1986) Empty hands not clenched as fists are not deadly weapons within the meaning of this section. Seiver v. State, 719 S.W.2d 141 (Mo.App.). (1993) For purposes of definition of "forcible compulsion", age of victim, relationship to defendant and testimony of victim that defendant guided her head and mouth, or that defendant threatened to ground victim, was not sufficient evidence to establish that victim was in reasonable fear of death, serious physical injury or kidnapping as required by conviction for forcible sodomy under section 566.060, RSMo. State v. Daleske, 866 S.W.2d 476 (Mo. App. W.D.). (2014) Defendant's fists, used to cause serious physical injury to victim, did not constitute a dangerous instrument under section so as to support a conviction for armed criminal action under section 571.015. State v. Evans, 455 S.W.3d 452 (Mo.App.E.D.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 556 - Preliminary Provisions (Criminal Code)Section 556.101 - Lack of consent in kidnapping and crimes involving restraint.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 556 556.101. Lack of consent in kidnapping and crimes involving restraint. —1. It is an element of the offenses described in sections 565.110 to 565.130 that the confinement, movement or restraint be committed without the consent of the victim. 2. Lack of consent results from: (1) Forcible compulsion; or (2) Incapacity to consent. 3. A person is deemed incapable of consent if he is: (1) Less than fourteen years of age; or (2) Incapacitated. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.100; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.011 - Authorized dispositions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.011. Authorized dispositions. —1. Every person found guilty of an offense shall be dealt with by the court in accordance with the provisions of this chapter, except that for offenses defined outside this code and not repealed, the term of imprisonment or the fine that may be imposed is that provided in the statute defining the offense; however, the conditional release term of any sentence of a term of years shall be determined as provided in subsection 4 of section 558.011. 2. Whenever any person has been found guilty of a felony or a misdemeanor the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may: (1) Sentence the person to a term of imprisonment as authorized by chapter 558; (2) Sentence the person to pay a fine as authorized by chapter 560; (3) Suspend the imposition of sentence, with or without placing the person on probation; (4) Pronounce sentence and suspend its execution, placing the person on probation; (5) Impose a period of detention as a condition of probation, as authorized by section 559.026. 3. Whenever any person has been found guilty of an infraction, the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may: (1) Sentence the person to pay a fine as authorized by chapter 560; (2) Suspend the imposition of sentence, with or without placing the person on probation; (3) Pronounce sentence and suspend its execution, placing the person on probation. 4. Whenever any organization has been found guilty of an offense, the court shall make one or more of the following dispositions of the organization in any appropriate combination. The court may: (1) Sentence the organization to pay a fine as authorized by chapter 560; (2) Suspend the imposition of sentence, with or without placing the organization on probation; (3) Pronounce sentence and suspend its execution, placing the organization on probation; (4) Impose any special sentence or sanction authorized by law. 5. This chapter shall not be construed to deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. An appropriate order exercising such authority may be included as part of any sentence. 6. In the event a sentence of confinement is ordered executed, a court may order that an individual serve all or any portion of such sentence on electronic monitoring; except that all costs associated with the electronic monitoring shall be charged to the person on house arrest. If the judge finds the person unable to afford the costs associated with electronic monitoring, the judge may order that the person be placed on house arrest with electronic monitoring if the county commission agrees to pay the costs of such monitoring. If the person on house arrest is unable to afford the costs associated with electronic monitoring and the county commission does not agree to pay from the general revenue of the county the costs of such electronic monitoring, the judge shall not order that the person be placed on house arrest with electronic monitoring. ---------- (L. 1977 S.B. 60, A.L. 2011 H.B. 111, A.L. 2013 H.B. 215 merged with H.B. 374 & 434 merged with S.B. 327)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.014 - Prosecution diversion program — definitions — authority of prosecuting attorney — requirements and provisions applicable to prosecution diversion — completion and disposition of charges.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.014. Prosecution diversion program — definitions — authority of prosecuting attorney — requirements and provisions applicable to prosecution diversion — completion and disposition of charges. —1. As used in this section, the following terms shall mean:

(1)"Accusatory instrument", a warrant of arrest, information, or indictment; (2)"Accused", an individual accused of a criminal offense, but not yet charged with a criminal offense; (3)"Defendant", any person charged with a criminal offense; (4)"Deferred prosecution", the suspension of a criminal case for a specified period upon the request of both the prosecuting attorney and the accused or the defendant; (5)"Diversionary screening", the discretionary power of the prosecuting attorney to suspend all formal prosecutorial proceedings against a person who has become involved in the criminal justice system as an accused or defendant; (6)"Prosecuting attorney", includes the prosecuting attorney or circuit attorney for each county of the state and the City of St. Louis; (7)"Prosecution diversion", the imposition of conditions of behavior and conduct by the prosecuting attorney upon an accused or defendant for a specified period of time as an alternative to proceeding to adjudication on a complaint, information, or indictment. 2. Each prosecuting attorney in the state of Missouri shall have the authority to, upon agreement with an accused or a defendant, divert a criminal case to a prosecution diversion program for a period of six months to two years, thus allowing for any statute of limitations to be tolled for that time alone. The period of diversion may be extended by the prosecuting attorney as a disciplinary measure or to allow sufficient time for completion of any portion of the prosecution diversion including restitution; provided, however, that no extension of such diversion shall be for a period of more than two years. 3. The prosecuting attorney may divert cases, under this program, out of the criminal justice system where the prosecuting attorney determines that the advantages of utilizing prosecution diversion outweigh the advantages of immediate court activity. 4. Prior to or upon the issuance of an accusatory instrument, with consent of the accused or defendant, other than for an offense enumerated in this section, the prosecuting attorney may forego continued prosecution upon the parties' agreement to a prosecution diversion plan. The prosecution diversion plan shall be for a specified period and be in writing. The prosecuting attorney has the sole authority to develop diversionary program requirements, but minimum requirements are as follows: (1) The alleged crime is nonviolent, nonsexual, and does not involve a child victim or possession of an unlawful weapon; (2) The accused or defendant must submit to all program requirements; (3) Any newly discovered criminal behavior while in a prosecution diversion program will immediately forfeit his or her right to continued participation in said program at the sole discretion of the prosecuting attorney; (4) The alleged crime does not also constitute a violation of a current condition of probation or parole; (5) The alleged crime is not a traffic offense in which the accused or defendant was a holder of a commercial driver license or was operating a commercial motor vehicle at the time of the offense; and (6) Any other criteria established by the prosecuting attorney. 5. During any period of prosecution diversion, the prosecuting attorney may impose conditions upon the behavior and conduct of the accused or defendant that assures the safety and well-being of the community as well as that of the accused or defendant. The conditions imposed by the prosecuting attorney shall include, but are not limited to, requiring the accused or defendant to remain free of any criminal behavior during the entire period of prosecution diversion. 6. The responsibility and authority to screen or divert specific cases, or to refuse to screen or divert specific cases, shall rest within the sole judgment and discretion of the prosecuting attorney as part of their official duties as prosecuting attorney. The decision of the prosecuting attorney regarding diversion shall not be subject to appeal nor be raised as a defense in any prosecution of a criminal case involving the accused or defendant. 7. Any person participating in the program: (1) Shall have the right to insist on criminal prosecution for the offense for which he or she is accused at any time; and (2) May have counsel of the person's choosing present during all phases of the prosecution diversion proceedings, but counsel is not required and no right to appointment of counsel is hereby created. 8. In conducting the program, the prosecuting attorney may require at any point the reinitiation of criminal proceedings when, in his or her judgment, such is warranted. 9. Any county, city, person, organization, or agency, or employee or agent thereof, involved with the supervision of activities, programs, or community service that are a part of a prosecution diversion program, shall be immune from any suit by the person performing the work under the deferred prosecution agreement, or any person deriving a cause of action from such person, except for an intentional tort or gross negligence. Persons performing work or community service pursuant to a deferred prosecution agreement as described shall not be deemed to be engaged in employment within the meaning of the provisions of chapter 288. A person performing work or community service pursuant to a deferred prosecution agreement shall not be deemed an employee within the meaning of the provisions of chapter 287. 10. Any person supervising or employing an accused or defendant under the program shall report to the prosecuting attorney any violation of the terms of the prosecution diversion program. 11. After completion of the program and any conditions imposed upon the accused or defendant, to the satisfaction of the prosecuting attorney, the individual shall be entitled to a dismissal or alternative disposition of charges against them. Such disposition may, in the discretion of the prosecuting attorney, be without prejudice to the state of Missouri for the reinstitution of criminal proceedings, within the statute of limitations, upon any subsequent criminal activity on the part of the accused. Any other provision of law notwithstanding, such individual shall be required to pay any associated costs prior to dismissal of pending charges. ---------- (L. 2019 H.B. 547)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.016 - Classification of offenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.016. Classification of offenses. —1. Felonies are classified for the purpose of sentencing into the following five categories: (1) Class A felonies; (2) Class B felonies; (3) Class C felonies; (4) Class D felonies; and (5) Class E felonies. 2. Misdemeanors are classified for the purpose of sentencing into the following four categories: (1) Class A misdemeanors; (2) Class B misdemeanors; (3) Class C misdemeanors; and (4) Class D misdemeanors. 3. Infractions are not further classified. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.021 - Classification of offenses outside this code.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.021. Classification of offenses outside this code. —1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a class A misdemeanor. 2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a class E felony. 3. For the purpose of applying the extended term provisions of section 558.016 and the minimum prison term provisions of section 558.019 and for determining the penalty for attempts, offenses defined outside of this code shall be classified as follows: (1) If the offense is a felony: (a) It is a class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of twenty years or more; (b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten years but is less than twenty years; (c) It is a class C felony if the maximum term of imprisonment authorized is ten years; (d) It is a class D felony if the maximum term of imprisonment exceeds four years but is less than ten years; (e) It is a class E felony if the maximum term of imprisonment is four years or less; (2) If the offense is a misdemeanor: (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in jail; (b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months; (c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less; (d) It is a class D misdemeanor if it includes a mental state as an element of the offense and there is no authorized imprisonment; (e) It is an infraction if there is no authorized imprisonment. ---------- (L. 1977 S.B. 60, A.L. 1988 H.B. 1340 & 1348, A.L. 2014 S.B. 491, A.L. 2016 H.B. 2332, A.L. 2020 S.B. 600) (1990) Absence of a stated maximum penalty merely indicates legislative intent that defendant convicted of that offense may be sentenced to any term of years above the minimum, including life imprisonment. Thurston v. State, 791 S.W.2d 893 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.026 - Presentence investigation and sentencing assessment report — inquiry of victim, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.026. Presentence investigation and sentencing assessment report — inquiry of victim, when. —1. When a probation officer is available to any court, such probation officer shall, unless waived by the defendant, conduct a presentence investigation in all felony cases and make a sentencing assessment report to the court before any authorized disposition is made under section 557.011. In all class A misdemeanor cases a probation officer shall, if directed by the court, conduct a presentence investigation and make a sentencing assessment report to the court before any authorized disposition is made under section 557.011. The report shall not be submitted to the court or its contents disclosed to anyone until the defendant has been found guilty. 2. The sentencing assessment report shall be prepared, presented and utilized as provided by rule of court, except that no court shall prevent the defendant or the attorney for the defendant from having access to the complete sentencing assessment report and recommendations before any authorized disposition is made under section 557.011. 3. The defendant shall not be obligated to make any statement to a probation officer in connection with any sentencing assessment report. 4. When the jury enters a finding of guilt and assesses punishment, the probation officer shall, as part of the presentence investigation, inquire of the victim of the offense for which such punishment was assessed of the facts of the offense and any personal injury or financial loss incurred by the victim. If the victim is dead or otherwise unable to make a statement, the probation officer shall attempt to obtain such information from a member of the immediate family of the victim. ---------- (L. 1977 S.B. 60, A.L. 1984 S.B. 611, A.L. 1986 S.B. 618 & 562, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Juvenile court records available for presentence investigation, certain cases, 211.321

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.031 - Presentence commitment for study.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.031. Presentence commitment for study. —1. In felony cases where the circumstances surrounding the commission of the offense or other circumstances brought to the attention of the court indicate a strong likelihood that the defendant is suffering from a mental disease or disorder, and the court desires more detailed information about the defendant's mental condition before making an authorized disposition under section 557.011, it may order the commitment of the defendant for mental examination. 2. The court may commit the defendant to a facility of the department of mental health or to a hospital and order the defendant examined by such person or persons as the court or that department or hospital may designate. The cost of guarding and transporting any confined defendant to and from any such facility or other place of examination shall be borne by the county. Any commitment shall be for a period not exceeding thirty days unless extended by the order of the court. 3. Within forty days after the order the person or persons making such examination or examinations shall transmit to the court a report thereof including answers to any specific questions submitted by the court. The clerk of the court shall immediately supply copies of the report to the prosecuting attorney and to the defendant or his attorney. 4. Any period of commitment to a facility of the department of mental health or to a hospital for the purpose of this section shall be credited against any term of imprisonment imposed upon the defendants. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.035 - Hate offenses — provides enhanced penalties for motivational factors in certain offenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.035. Hate offenses — provides enhanced penalties for motivational factors in certain offenses. —1. For all violations of section 565.054 or 565.090, subdivision (1) of subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class D felony. 2. For all violations of section 565.056; subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class E felony. 3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section. ---------- (L. 1999 S.B. 328, et al., A.L. 2014 S.B. 491, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.036 - Role of court and jury in sentencing — two stages of trial — punishment assessed by jury, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.036. Role of court and jury in sentencing — two stages of trial — punishment assessed by jury, when. —1. Upon a finding of guilt, the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render judgment accordingly. 2. Where an offense is submitted to the jury, the trial shall proceed in two stages. At the first stage, the jury shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the jury at the first stage. 3. If the jury at the first stage of a trial finds the defendant guilty of the submitted offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall be the punishment to be assessed and declared. Evidence supporting or mitigating punishment may be presented. Such evidence may include, within the discretion of the court, evidence concerning the impact of the offense upon the victim, the victim's family and others, the nature and circumstances of the offense, and the history and character of the defendant. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall instruct the jury as to the range of punishment authorized by statute for each submitted offense. The attorneys may argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The jury shall assess and declare the punishment as authorized by statute. 4. A second stage of the trial shall not proceed and the court, and not the jury, shall assess punishment if: (1) The defendant requests in writing, prior to voir dire, that the court assess the punishment in case of a finding of guilt; or (2) The state pleads and proves the defendant is a prior offender, persistent offender, dangerous offender, or persistent misdemeanor offender as defined in section 558.016, or a persistent sexual offender or predatory sexual offender as defined in section 566.125. If the jury cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection 1 of this section. If, after due deliberation by the jury, the court finds the jury cannot agree on punishment, then the court may instruct the jury that if it cannot agree on punishment that the court will assess punishment. 5. If the jury returns a verdict of guilty in the first stage and declares a term of imprisonment in the second stage, the court shall proceed as provided in subsection 1 of this section except that any term of imprisonment imposed cannot exceed the term declared by the jury unless the term declared by the jury is less than the authorized lowest term for the offense, in which event the court cannot impose a term of imprisonment greater than the lowest term provided for the offense. 6. If the defendant is found to be a prior offender, persistent offender, dangerous offender or persistent misdemeanor offender as defined in section 558.016: (1) If he has been found guilty of an offense, the court shall proceed as provided in section 558.016; or (2) If he has been found guilty of a class A felony, the court may impose any sentence authorized for the class A felony. 7. The court shall not seek an advisory verdict from the jury in cases of prior offenders, persistent offenders, dangerous offenders, persistent sexual offenders or predatory sexual offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall consider it as mere surplusage. ---------- (L. 1977 S.B. 60, A.L. 1981 H.B. 554, A.L. 1990 H.B. 974, A.L. 1996 H.B. 974, A.L. 2003 S.B. 5, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.045 - Ineligibility for probation, SIS, SES, or conditional release, certain offenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.045. Ineligibility for probation, SIS, SES, or conditional release, certain offenses. —No person found guilty of, or pleading guilty to, the following offenses shall be eligible for probation, suspended imposition or execution of sentence, or conditional release, and shall be sentenced to a term of imprisonment pursuant to subdivision (1) of subsection 2 of section 557.011: (1) Second degree murder when a person knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person, as defined in subdivision (1) of subsection 1 of section 565.021; (2) Any dangerous felony, as

the term is defined in section 556.061, where the person has been previously found guilty of a class A or B felony or a dangerous felony; (3) Any dangerous felony, as the term is defined in section 556.061, where the commission of the felony involves the use of a deadly weapon, as that term is defined in section 556.061; or (4) Any dangerous felony, as the term is defined in section 556.061, where the victim is a law enforcement officer, firefighter, or an emergency service provider while in the performance of his or her duties. ---------- (L. 2020 S.B. 600, A.L. 2021 S.B. 26)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 557 - General Sentencing ProvisionsSection 557.051 - Program for perpetrators of sexual offenses, participation required, when — restrictions for persons providing assessments and reports, penalty for violation, exception.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 557 557.051. Program for perpetrators of sexual offenses, participation required, when — restrictions for persons providing assessments and reports, penalty for violation, exception. —1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, and who is granted a suspended imposition or execution of sentence or placed under the supervision of the division of probation and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for perpetrators of sexual offenses. Persons required to attend a program under this section shall be required to follow all directives of the treatment program provider, and may be charged a reasonable fee to cover the costs of such program. 2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation following a finding of guilt for an offense under chapter 566, or any sex offense involving a child under chapter 568 or 573, shall not be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who violates this subsection shall thereafter: (1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation; (2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the division of probation and parole or any office thereof; and (3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the division of probation and parole or any office thereof. 3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider. ---------- (L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.002 - Fines for felonies.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.002. Fines for felonies. —1. Except as otherwise provided for an offense outside this code, a person who has been convicted of an offense may be sentenced to pay a fine which does not exceed: (1) For a class C, D, or E felony, ten thousand dollars; (2) For a class A misdemeanor, two thousand dollars; (3) For a class B misdemeanor, one thousand dollars; (4) For a class C misdemeanor, seven hundred fifty dollars; (5) For a class D misdemeanor, five hundred dollars; (6) For an infraction, four hundred dollars; or (7) If the person has gained money or property through the commission of the offense, to pay an amount, fixed by the court, not exceeding double the amount of the person's gain from the commission of the offense. 2. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no specific corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, which does not exceed: (1) For a felony, twenty thousand dollars; (2) For a misdemeanor, ten thousand dollars; (3) For an infraction, one thousand dollars; or (4) If the corporation has gained money or property through the commission of the offense, to pay an amount, fixed by the court, not exceeding double the amount of the corporation's gain from the commission of the offense. 3. As used in this section the term"gain"means the amount of money or the value of property derived from the commission of the offense. The amount of money or value of property returned to the victim of the offense or seized by or surrendered to lawful authority prior to the time sentence is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender's gain from the crime. If the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 560.011; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.003 - Fine for juvenile justice preservation fund, when, amount.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.003. Fine for juvenile justice preservation fund, when, amount. —The prosecuting attorney shall have discretion to charge an offender convicted of an offense in which the victim was a child a fine of up to five hundred dollars for each offense. Such fine shall be deposited in the juvenile justice preservation fund, created under section 211.435. The provisions of this section shall expire if the provisions of

subsection 1 of section 211.435 expire. ---------- (L. 2018 S.B. 793 merged with S.B. 800)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.004 - Imposition of fines.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.004. Imposition of fines. —1. In determining the amount and the method of payment of a fine, the court shall, insofar as practicable, proportion the fine to the burden that payment will impose in view of the financial resources of an individual. The court shall not sentence an offender to pay a fine in any amount which will prevent him or her from making restitution or reparation to the victim of the offense. 2. When any other disposition is authorized by statute, the court shall not sentence an individual to pay a fine only unless, having regard to the nature and circumstances of the offense and the history and character of the offender, it is of the opinion that the fine alone will suffice for the protection of the public. 3. The court shall not sentence an individual to pay a fine in addition to any other sentence authorized by section 557.011 unless: (1) He or she has derived a pecuniary gain from the offense; or (2) The court is of the opinion that a fine is uniquely adapted to deterrence of the type of offense involved or to the correction of the defendant. 4. When an offender is sentenced to pay a fine, the court may provide for the payment to be made within a specified period of time or in specified installments. If no such provision is made a part of the sentence, the fine shall be payable forthwith. 5. When an offender is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section 558.006. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 560.026; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.006 - Nonpayment of fine, means to collect.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.006. Nonpayment of fine, means to collect. —When an offender sentenced to pay a fine defaults in the payment of the fine or in any installment, the fine or installment shall be collected by any means authorized for the collection of money judgments, other than a lien against real estate, or may be waived at the discretion of the sentencing judge. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2019 H.B. 192) Transferred 2014; formerly 560.031; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.008 - Revocation of a fine.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.008. Revocation of a fine. —A defendant who has been sentenced to pay a fine may at any time petition the sentencing court for a revocation of a fine or any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine no longer exist or that it would otherwise be unjust to require payment of the fine, the court may revoke the fine or the unpaid portion in whole or in part or may modify the method of payment. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 560.036; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.011 - Sentence of imprisonment, terms — conditional release.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.011. Sentence of imprisonment, terms — conditional release. —1. The authorized terms of imprisonment, including both prison and conditional release terms, are: (1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment; (2) For a class B felony, a term of years not less than five years and not to exceed fifteen years; (3) For a class C felony, a term of years not less than three years and not to exceed ten years; (4) For a class D felony, a term of years not to exceed seven years; (5) For a class E felony, a term of years not to exceed four years; (6) For a class A misdemeanor, a term not to exceed one year; (7) For a class B misdemeanor, a term not to exceed six months; (8) For a class C misdemeanor, a term not to exceed fifteen days. 2. In cases of class D and E felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other authorized penal institution, and the place of confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections. 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law. (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law. 4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be: (a) One-third for terms of nine years or less; (b) Three years for terms between nine and fifteen years; (c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board

pursuant to subsection 5 of this section. (2)"Conditional release"means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law. 5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final. ---------- (L. 1977 S.B. 60, A.L. 1979 S.B. 234, A.L. 1982 H.B. 1196, A.L. 1984 S.B. 611, A.L. 1990 H.B. 974, A.L. 1994 S.B. 763, A.L. 2003 S.B. 5, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60) (2010) Statutory amendment in 1990 removing conditional release eligibility for inmates convicted of certain violent felonies is constitutional under original purpose, single subject, ex post facto, and retrospective provisions. Rentschler v. Nixon, 311 S.W.3d 783 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.016 - Extended terms for prior criminal conduct — definitions — sentencing.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.016. Extended terms for prior criminal conduct — definitions — sentencing. —1. The court may sentence a person who has been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender. The court may sentence a person to an extended term of imprisonment if: (1) The defendant is a persistent offender or a dangerous offender, and the person is sentenced under subsection 7 of this section; (2) The statute under which the person was found guilty contains a sentencing enhancement provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the person is sentenced according to the statute; or (3) A more specific sentencing enhancement provision applies that is based on a prior finding of guilt or a finding of prior criminal conduct. 2. A"prior offender"is one who has been found guilty of one felony. 3. A"persistent offender"is one who has been found guilty of two or more felonies committed at different times, or one who has been previously found guilty of a dangerous felony as defined in subdivision (19) of section 556.061. 4. A"dangerous offender"is one who: (1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; and (2) Has been found guilty of a class A or B felony or a dangerous felony. 5. A"persistent misdemeanor offender"is one who has been found guilty of two or more offenses, committed at different times that are classified as A or B misdemeanors under the laws of this state. 6. The findings of guilt shall be prior to the date of commission of the present offense. 7. The court shall sentence a person, who has been found to be a persistent offender or a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term of imprisonment for the offense that is one class higher than the offense for which the person is found guilty. ---------- (L. 1977 S.B. 60, A.L. 1980 H.B. 1138, et al., A.L. 1981 H.B. 554, A.L. 1990 H.B. 974, A.L. 2003 S.B. 5, A.L. 2005 H.B. 353, A.L. 2014 S.B. 491, A.L. 2024 S.B. 754, et al.) (1986) Evidence of prior conviction may include admission of such conviction under direct examination or cross examination, or a memorandum of such conviction from the court division file. State v. Hughes, 713 S.W.2d 11 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.019 - Prior felony convictions, minimum prison terms — prison commitment defined — dangerous felony, minimum term prison term, how calculated — sentencing commission created, members, duties — expenses — cooperation with commission — restorative justice methods — restitution fund.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.019. Prior felony convictions, minimum prison terms — prison commitment defined — dangerous felony, minimum term prison term, how calculated — sentencing commission created, members, duties — expenses — cooperation with commission — restorative justice methods — restitution fund. —1. This section shall not be construed to affect the powers of the governor under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020 or section 566.125, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation. 2. The provisions of subsections 2 to 5 of this section shall only be applicable to the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045,

568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section,"prison commitment"means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include an offender's first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms: (1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first; (2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first; (3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. 3. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. 4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply: (1) A sentence of life shall be calculated to be thirty years; (2) Any sentence either alone or in the aggregate with other consecutive sentences for offenses committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years. 5. For purposes of this section, the term"minimum prison term"shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections. 6. An offender who was convicted of, or pled guilty to, a felony offense other than those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer be subject to the minimum prison term provisions under subsection 2 of this section, and shall be eligible for parole, conditional release, or other early release by the department of corrections according to the rules and regulations of the department. 7. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor. (2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar offenses and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes. (3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri. (4) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission. (5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions. (6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources. 8. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable. 9. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate: (1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions; (2) Offender treatment programs; (3) Mandatory community service; (4) Work release programs in local facilities; and (5) Community-based residential and nonresidential programs. 10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution

shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565. 11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a person to make payment. 12. A person who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the person either willfully refused to make the payment or that the person willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay. 13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state. ---------- (L. 1986 H.B. 1098 § 1, A.L. 1988 H.B. 1340 & 1348, A.L. 1989 S.B. 215 & 58, A.L. 1990 H.B. 974, A.L. 1993 H.B. 562, A.L. 1994 S.B. 763, A.L. 1998 H.B. 1508 merged with S.B. 766, A.L. 2003 S.B. 5, A.L. 2004 H.B. 1055, A.L. 2005 H.B. 353, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2019 H.B. 192, A.L. 2024 S.B. 754, et al.) (2018) General Assembly did not express its intent to have 2017 amendment to section apply retroactively, thus it only applies prospectively. Wagner v. Bowyer, 559 S.W.3d 26 (Mo.App. E.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.021 - Extended term procedures.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.021. Extended term procedures. —1. The court shall find the defendant to be a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender if: (1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender; and (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender; and (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, dangerous offender, persistent sexual offender or predatory sexual offender. 2. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing, except the facts required by subdivision (1) of subsection 4 of section 558.016 may be established and found at a later time, but prior to sentencing, and may be established by judicial notice of prior testimony before the jury. 3. In a trial without a jury or upon a plea of guilty, the court may defer the proof and findings of such facts to a later time, but prior to sentencing. The facts required by subdivision (1) of subsection 4 of section 558.016 may be established by judicial notice of prior testimony or the plea of guilty. 4. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings. 5. The defendant may waive proof of the facts alleged. 6. Nothing in this section shall prevent the use of presentence investigations or commitments under sections 557.026 and 557.031. 7. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence. ---------- (L. 1977 S.B. 60, A.L. 1981 H.B. 554, A.L. 1996 H.B. 974)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.026 - Concurrent and consecutive terms of imprisonment.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.026. Concurrent and consecutive terms of imprisonment. —1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies: (1) Rape in the first degree, forcible rape, or rape; (2) Statutory rape in the first degree; (3) Sodomy in the first degree, forcible sodomy, or sodomy; (4) Statutory sodomy in the first degree; or (5) An attempt to commit any of the felonies listed in this subsection. In such case, the sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any other offense may run concurrently. 2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his or her conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment. 3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his or her sentence within the department of corrections of the state of Missouri, except that a personal hearing before the parole board shall not be required for parole consideration. ---------- (L. 1977 S.B. 60, A.L. 1980 H.B. 1138, et al., A.L. 1982 H.B. 1196, A.L. 1983 H.B. 713 Revision, A.L. 1995 H.B. 424, A.L. 2013 H.B. 215, A.L. 2021 S.B. 26 merged with S.B. 53 & 60) (1985) Court construed this section to mandate consecutive sentences for rape and sodomy committed by defendant at the same time. Adams v. State, 688 S.W.2d 401 (Mo.App.). (1991) Although statute requires consecutive sentences any time a sex crime is committed at the same time as any other felony, even if the additional felony is also a

sex crime, the sentencing court has discretion to run sentences concurrently, when a defendant's convictions consist only of sex offenses. State v. Harger, 804 S.W.2d 35 (Mo. App.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.031 - Calculation of terms of imprisonment — credit for jail time awaiting trial, requirements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.031. Calculation of terms of imprisonment — credit for jail time awaiting trial, requirements. —1. A sentence of imprisonment shall commence when a person convicted of an offense in this state is received into the custody of the department of corrections or other place of confinement where the offender is sentenced. 2. Such person shall receive credit toward the service of a sentence of imprisonment for all time in prison, jail or custody after the offense occurred and before the commencement of the sentence, when the time in custody was related to that offense. This credit shall be based upon the certification of the sheriff as provided in subdivision (3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a sheriff or other custodial officer from another jurisdiction having held the person on the charge of the offense for which the sentence of imprisonment is ordered. 3. The officer required by law to deliver a person convicted of an offense in this state to the department of corrections shall endorse upon the papers required by section 217.305 both the dates the offender was in custody and the period of time to be credited toward the service of the sentence of imprisonment, except as endorsed by such officer. 4. If a person convicted of an offense escapes from custody, such escape shall interrupt the sentence. The interruption shall continue until such person is returned to the correctional center where the sentence was being served, or in the case of a person committed to the custody of the department of corrections, to any correctional center operated by the department of corrections. An escape shall also interrupt the jail time credit to be applied to a sentence which had not commenced when the escape occurred. 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the offender for that offense, all time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section. 6. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the parole board revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole. 7. Subsection 2 of this section shall be applicable to offenses for which the offender was sentenced on or after August 28, 2023. 8. The total amount of credit given shall not exceed the number of days spent in prison, jail, or custody after the offense occurred and before the commencement of the sentence. ---------- (L. 1977 S.B. 60, A.L. 1990 H.B. 974, A.L. 1995 H.B. 424, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60, A.L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.041 - "Good time" credit, exceptions — rules, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.041. "Good time" credit, exceptions — rules, procedure. —1. Any offender committed to the department of corrections, except those persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, may receive additional credit in terms of days spent in confinement upon recommendation for such credit by the offender's institutional superintendent when the offender meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section. 2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving. 3. The director of the department of corrections shall issue a policy for awarding credit. The policy may reward an inmate who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him or her. Any violation of institutional rules or the laws of this state may result in the loss of all or a portion of any credit earned by the inmate pursuant to this section. 4. The department shall cause the policy to be published in the code of state regulations. 5. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. ---------- (L. 1983 H.B. 671 § 1, A.L. 1986 S.B. 618 & 562, A.L. 1990 H.B. 974, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.046 - Reduction of term of sentence, conditions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.046. Reduction of term of sentence, conditions. —The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the parole board if the court determines that: (1) The convicted person was: (a) Convicted of an offense that did not involve violence or the threat of violence; and (b) Convicted of an offense that involved alcohol or illegal drugs; and (2) Since the commission of such offense, the convicted person has successfully completed a detoxification and rehabilitation program; and (3) The convicted person is not: (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor offender as defined by section 558.016; or (b) A persistent sexual offender as defined in section 566.125; or (c) A prior offender, a persistent offender or a class X offender*as defined in section 558.019. ---------- (L. 1993 S.B. 167, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60) *Class X offender

was repealed by H.B. 562, 1993.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 558 - ImprisonmentSection 558.047 - Persons under eighteen, review of sentence, when, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 558 558.047. Persons under eighteen, review of sentence, when, procedure. —1. (1) Any person sentenced to a term of imprisonment for life without eligibility for parole before August 28, 2016, who was under eighteen years of age at the time of the commission of the offense or offenses, may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration on the sentence of life without parole. (2) Any person found guilty of murder in the first degree who was sentenced on or after August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of imprisonment of not less than thirty years and not to exceed forty years, who was under eighteen years of age at the time of the commission of the offense or offenses may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration, and a subsequent petition after serving thirty-five years of incarceration. 2. A copy of the petition shall be served on the office of the prosecutor in the judicial circuit of original jurisdiction. The petition shall include the person's statement that he or she was under eighteen years of age at the time of the offense, is eligible to petition under this section, and requests that his or her sentence be reviewed. 3. If any of the information required in subsection 2 of this section is missing from the petition, or if proof of service on the prosecuting or circuit attorney is not provided, the parole board shall return the petition to the person and advise him or her that the matter cannot be considered without the missing information. 4. The parole board shall hold a hearing and determine if the defendant shall be granted parole. At such a hearing, the victim or victim's family members shall retain their rights under section 595.209. 5. In a parole review hearing under this section, the board shall consider, in addition to the factors listed in section 565.033: (1) Efforts made toward rehabilitation since the offense or offenses occurred, including participation in educational, vocational, or other programs during incarceration, when available; (2) The subsequent growth and increased maturity of the person since the offense or offenses occurred; (3) Evidence that the person has accepted accountability for the offense or offenses, except in cases where the person has maintained his or her innocence; (4) The person's institutional record during incarceration; and (5) Whether the person remains the same risk to society as he or she did at the time of the initial sentencing. ---------- (L. 2016 S.B. 590) Effective 7-13-16

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.012 - Eligible for probation, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.012. Eligible for probation, when. —The court may place a person on probation for a specific period upon conviction of any offense or upon suspending imposition of sentence if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the court is of the opinion that: (1) Institutional confinement of the defendant is not necessary for the protection of the public; and (2) The defendant is in need of guidance, training or other assistance which, in his or her case, can be effectively administered through probation supervision. ---------- (L. 1977 S.B. 60 § 559.011, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.016 - Terms of probation — extension.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.016. Terms of probation — extension. —1. Unless terminated as provided in section 559.036 or modified under section 217.703, the terms during which each probation shall remain conditional and be subject to revocation are: (1) A term of years not less than one year and not to exceed five years for a felony; (2) A term not less than six months and not to exceed two years for a misdemeanor; (3) A term not less than six months and not to exceed one year for an infraction. 2. The court shall designate a specific term of probation at the time of sentencing or at the time of suspension of imposition of sentence. Such term may be modified by the division of probation and parole under section 217.703. 3. The court may extend a period of probation, however, no more than one extension of any probation may be ordered except that the court may extend the total time on probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of his or her probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension, shall not exceed the maximum term as established in subsection 1 of this section plus one additional year if the defendant admits or the court finds that the defendant has violated the conditions of his or her probation. ---------- (L. 1977 S.B. 60, A.L. 1989 H.B. 408, A.L. 1995 H.B. 424, A.L. 2005 H.B. 353, A.L. 2012 H.B. 1525)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.021 - Conditions of probation — compensation of victims — free work, public or charitable — defendant not an employee for workers' compensation purposes — payment to county restitution fund, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.021. Conditions of probation — compensation of victims — free work, public or charitable — defendant not an employee for workers' compensation purposes — payment to county restitution fund, when. —1. The conditions of probation shall be such as the court in

its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he or she shall be given a certificate explicitly stating the conditions on which he or she is being released. 2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, any statutorily created fund for costs incurred as a result of the offender's actions, or society. Such conditions may include restorative justice methods pursuant to section 217.777, or any other method that the court finds just or appropriate including, but not limited to: (1) Restitution to the victim or any dependent of the victim, or statutorily created fund for costs incurred as a result of the offender's actions in an amount to be determined by the judge; (2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge; (3) Offender treatment programs; (4) Work release programs in local facilities; and (5) Community-based residential and nonresidential programs. 3. The defendant may refuse probation conditioned on the performance of free work. If he or she does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him or her if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287. 4. In addition to such other authority as exists to order conditions of probation, in the case of a finding of guilt, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565. 5. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment. 6. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay. 7. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term. ---------- (L. 1977 S.B. 60, A.L. 1981 H.B. 554, A.L. 1985 H.B. 715, A.L. 1986 H.B. 1607, A.L. 1997 H.B. 727, A.L. 2004 H.B. 1055, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.026 - Detention condition of probation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.026. Detention condition of probation. —Except in infraction cases, when probation is granted, the court, in addition to conditions imposed pursuant to section 559.021, may require as a condition of probation that the offender submit to a period of detention up to forty-eight hours after the determination by a probation or parole officer that the offender violated a condition of continued probation or parole in an appropriate institution at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court shall designate, or the division of probation and parole shall direct. Any person placed on probation in a county of the first class or second class or in any city with a population of five hundred thousand or more and detained as herein provided shall be subject to all provisions of section 221.170, even though he or she was not convicted and sentenced to a jail or workhouse. (1) In misdemeanor cases, the period of detention under this section shall not exceed the shorter of thirty days or the maximum term of imprisonment authorized for the misdemeanor by chapter 558. (2) In felony cases, the period of detention under this section shall not exceed one hundred twenty days. (3) If probation is revoked and a term of imprisonment is served by reason thereof, the time spent in a jail, half-way house, honor center, workhouse or other institution as a detention condition of probation shall be credited against the prison or jail term served for the offense in connection with which the detention condition was imposed. ---------- (L. 1977 S.B. 60, A.L. 1995 H.B. 424, A.L. 2003 S.B. 5, A.L. 2004 S.B. 1211, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.029 - Transfer of supervision.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.029. Transfer of supervision. —Any criminal case under probation supervision may be transferred to another judge in the circuit in the manner provided by local circuit rule. ---------- (L. 1996 S.B. 869, A.L. 1997 S.B. 248)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.031 - Transfer to another court.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.031. Transfer to another court. —Jurisdiction over a probationer may be transferred from the court which imposed probation to a court having

equal jurisdiction over offenders in any other part of the state, with the concurrence of both courts. Retransfers of jurisdiction may also occur in the same manner. The court to which jurisdiction has been transferred under this section*shall be authorized to exercise all powers permissible under this chapter over the defendant, except that the term of probation shall not be terminated without the consent of the sentencing court. ---------- (L. 1977 S.B. 60) Effective 1-01-79 *Word "subsection" appears in original rolls.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.036 - Duration of probation — revocation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.036. Duration of probation — revocation. —1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period. 2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Total time on any probation term shall not include time when the probation term is suspended under this section. Procedures for termination, discharge and extension may be established by rule of court. 3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him or her on the existing conditions, with or without modifying or enlarging the conditions or extending the term. 4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in a department of corrections' one hundred twenty-day program so long as: (a) The underlying offense for the probation is a class D or E felony or an offense listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the second degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault in the third degree when the victim is a special victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017; (b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection,"absconder"shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision; (c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and (d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term. (2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in either the one hundred twenty-day structured cognitive behavioral intervention program or the one hundred twenty-day institutional treatment program. The placement of the offender in the structured cognitive behavioral intervention program or institutional treatment program shall be at the sole discretion of the department based on the assessment of the offender. The program shall begin upon receipt of the offender by the department. The time between the court's order and receipt of the offender by the department shall not apply toward the program. (3) Upon successful completion of a program under this subsection, as determined by the department, the division of probation and parole shall advise the sentencing court of the defendant's probationary release date thirty days prior to release. Once the defendant has successfully completed a program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. (4) If the department determines the defendant has not successfully completed a one hundred twenty-day program under this section, the division of probation and parole shall advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful program exit and the defendant shall be removed from the program. The defendant shall be released from the department within fifteen working days after the court is notified of the unsuccessful program exit, unless the court has issued a warrant in response to the unsuccessful program exit to facilitate the return of the defendant to the county of jurisdiction for further court proceedings. If a defendant is discharged as unsuccessful from a one hundred twenty-day program, the sentencing court may modify, enlarge, or revoke the defendant's probation based on the same incident of the violation. (5) Time served in the program shall be credited as time served on any sentence imposed for the underlying offense. 5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of

imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation. 6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record. 7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated. Notwithstanding any other provision of the law to the contrary, the probation term shall be tolled during the time period when the probation is suspended under this section. The court may grant the probationer credit on the probation term for any of the tolled period when reinstating the probation term. 8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period. If the delay of the hearing is attributable to the probationer's actions or the probationer otherwise consents or acquiesces to the delay, the court shall have been found to have made every reasonable effort to conduct the hearing within the probation term. 9. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection 4 of this section. ---------- (L. 1977 S.B. 60, A.L. 1986 S.B. 618 & 562, A.L. 1989 H.B. 408, A.L. 1995 H.B. 424, A.L. 2005 H.B. 353, A.L. 2012 H.B. 1525, A.L. 2013 H.B. 215 merged with H.B. 374 & 434, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.100 - Circuit courts, power to place on probation or parole — revocation — conditions — restitution.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.100. Circuit courts, power to place on probation or parole — revocation — conditions — restitution. —1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in section 559.115, section 565.020, sections 566.030, 566.060, 566.067, 566.125, 566.151, and 566.210, section 571.015, section 579.170, and subsection 3 of section 589.425. 2. The circuit court shall have the power to revoke the probation or parole previously granted under section 559.036 and commit the person to the department of corrections. The circuit court shall determine any conditions of probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his or her offense. The probation or parole may be revoked under section 559.036 for failure to pay restitution or for failure to conform his or her behavior to the conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period of probation or parole as time served on a sentence. 3. Restitution, whether court-ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.019, shall be paid through the office of the prosecuting attorney or circuit attorney. Nothing in this section shall prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of restitution and costs under this section. When ordered by the court, interest shall be allowed under subsection 2 of section 408.040. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect from the person paying restitution an administrative handling cost. The cost shall be twenty-five dollars for restitution of less than one hundred dollars and fifty dollars for restitution of at least one hundred dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that authorized by subsection 4 of this section. 4. The moneys deposited in the fund may be used by the prosecuting attorney or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for other

lawful expenses incurred by the prosecuting or circuit attorney in the operation of that office. 5. This fund may be audited by the state auditor's office or the appropriate auditing agency. 6. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year. 7. Nothing in this section shall be construed to prohibit a crime victim from pursuing other lawful remedies against a defendant for restitution. ---------- (L. 1990 H.B. 974, A.L. 2006 H.B. 1698, et al., A.L. 2012 H.B. 1525, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.105 - Restitution may be ordered, when — limitation on release from probation — amount of restitution.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.105. Restitution may be ordered, when — limitation on release from probation — amount of restitution. —1. Any person who has been found guilty of or has pled guilty to an offense may be ordered by the court to make restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this section shall include, but not be limited to a victim's reasonable expenses to participate in the prosecution of the crime. 2. No person ordered by the court to pay restitution pursuant to this section shall be released from probation until such restitution is complete. If full restitution is not made within the original term of probation, the court shall order the maximum term of probation allowed for such offense. 3. Any person eligible to be released on parole shall be required, as a condition of parole, to make restitution pursuant to this section. The parole board shall not release any person from any term of parole for such offense until the person has completed such restitution, or until the maximum term of parole for such offense has been served. 4. The court may set an amount of restitution to be paid by the defendant. Said amount may be taken from the inmate's account at the department of corrections while the defendant is incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney under section 559.100. The prosecuting attorney or circuit attorney may refer any failure to make such restitution as a condition of conditional release or parole to the parole board for enforcement. ---------- (L. 2005 H.B. 353, A.L. 2013 H.B. 215, A.L. 2021 S.B. 26 merged with S.B. 53 & 60) (2017) Application of section, amended in 2013 to allow sentencing court to require both payment of restitution as well as serving a prison term, to defendant who pleaded guilty prior to effective date of amended section was unconstitutional ex post facto law. Bellamy v. State, 525 S.W.3d 166 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.106 - Lifetime supervision of certain sexual offenders — electronic monitoring — termination at age sixty-five permitted, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.106. Lifetime supervision of certain sexual offenders — electronic monitoring — termination at age sixty-five permitted, when. —1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has been found guilty of an offense in: (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.210, 566.211, 568.020, 573.200, or 573.205, based on an act committed on or after August 28, 2006; or (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years of age and the offender is a prior sex offender as defined in subsection 2 of this section; --the court shall order that the offender be supervised by the division of probation and parole for the duration of his or her natural life. 2. For the purpose of this section, a prior sex offender is a person who has previously been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045. 3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times. 4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older. ---------- (L. 2005 H.B. 353 merged with H.B. 972, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.107 - Notification of monitoring to highway patrol — information entered into MULES and sexual offender registry.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.107. Notification of monitoring to highway patrol — information entered into MULES and sexual offender registry. —1. The department of corrections shall notify the highway patrol of any offender who is required as a mandatory condition of lifetime supervision to be electronically monitored, under section 217.735 and section 559.106, and shall notify the highway patrol when the supervision of the offender has been terminated in appropriate cases as determined by a risk assessment when the offender is sixty-five years of age or older. 2. The highway patrol shall enter the electronic monitoring of the offender into the Missouri law enforcement system (MULES) and sexual offender registry where it is available to members of the criminal justice system, and other entities as provided

by law, upon inquiry. ---------- (L. 2006 H.B. 1698, et al. § 1) Effective 6-05-06

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.110 - Bond may be required — forfeiture.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.110. Bond may be required — forfeiture. —When the defendant is granted probation or parole by the court, the court before or at the time of granting the probation or parole, may in its discretion require the defendant, with one or more sureties, to enter into bond to the state of Missouri in a sum to be fixed by the court, conditioned that he or she will appear in court as directed during the continuance of the probation or parole, and not depart without leave of court. The bond shall be approved by the court or by the clerk at the direction of the court and forfeiture may be taken and prosecuted to final judgment on the bond in the manner as provided by law in cases of bonds taken for appearance of persons awaiting trial upon information or indictment. ---------- (L. 1990 H.B. 974, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.115 - Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.115. Appeals, probation not to be granted, when — probation granted after delivery to department of corrections, time limitation, assessment — one hundred twenty day program — notification to state, when, hearing — no probation in certain cases. —1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court. 2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law. 3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection. The department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the structured cognitive behavioral intervention program or institutional treatment program. The placement of an offender in the structured cognitive behavioral intervention program or institutional treatment program shall be at the sole discretion of the department based on the assessment of the offender and available bed space. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the division of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the division of probation and parole shall advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful program exit and the defendant shall be removed from the program. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence. 4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C, class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment. 5. Except when the offender has been found to be a predatory sexual offender pursuant to section 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section. 6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing

within ten days, the court may proceed upon its own motion to grant probation. 7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019. 8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; any offense under section 557.045; or any offense in which there exists a statutory prohibition against either probation or parole. ---------- (L. 1990 H.B. 974, A.L. 1996 H.B. 974, A.L. 2000 S.B. 757 & 602, A.L. 2003 S.B. 5, A.L. 2005 H.B. 353, A.L. 2012 H.B. 1525, A.L. 2013 H.B. 215 merged with H.B. 374 & 434, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2021 S.B. 26 merged with S.B. 53 & 60, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.117 - Mental health assessment pilot program — offenders eligible — report to sentencing court — no probation, when — report to governor and general assembly.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.117. Mental health assessment pilot program — offenders eligible — report to sentencing court — no probation, when — report to governor and general assembly. —1. The director of the department of corrections is authorized to establish, as a three-year pilot program, a mental health assessment process. 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is hearing the criminal case in a participating county may request that an offender be placed in the department of corrections for one hundred twenty days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or mental illness such that the offender may qualify for probation including community psychiatric rehabilitation (CPR) programs and such probation is appropriate and not inconsistent with public safety. Before the judge rules upon the motion, the victim shall be given notice of such motion and the opportunity to be heard. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health assessment process. 3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs. 4. Notwithstanding any other provision of law, probation shall not be granted under this section to offenders who: (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021; (2) Have been found guilty of, or plead guilty to, rape in the first degree under section 566.030 or forcible rape under section 566.030 as it existed prior to August 28, 2013; (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032; (4) Have been found guilty of, or plead guilty to, sodomy in the first degree under section 566.060 or forcible sodomy under section 566.060 as it existed prior to August 28, 2013; (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062; (6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony; (7) Have been found to be a predatory sexual offender under section 566.125*; or (8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole. 5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide. ---------- (L. 2012 H.B. 1318, A.L. 2013 H.B. 215) *Section 558.018 was transferred to section 566.125 by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.120 - Probation may be granted, when — community-based treatment program participation, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.120. Probation may be granted, when — community-based treatment program participation, when. —The circuit court may place a defendant on probation and require his or her participation in a program established pursuant to section 217.777 if, having regard to the nature and circumstances of the offense and to the history and character of the defendant, the court is of the opinion that: (1) Traditional institutional confinement of the defendant is not necessary for the protection of the public, given adequate supervision; and (2) The defendant is in need of guidance, training, or other assistance, which, in his or her case, can be effectively administered through participation in a community-based treatment program. --If the court holds such opinions and further finds that the defendant is the primary caregiver of one or more dependent children, the court shall consider requiring the defendant to participate in a community-based treatment program. ---------- (L. 1990 H.B. 974, A.L. 2014 S.B. 491, A.L. 2021 S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.125 - Record of applications for probation or parole to be kept — information to be privileged — exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.125. Record of

applications for probation or parole to be kept — information to be privileged — exceptions. —1. The clerk of the court shall keep in a permanent file all applications for probation or parole by the court, and shall keep in such manner as may be prescribed by the court complete and full records of all presentence investigations requested, probations or paroles granted, revoked or terminated and all discharges from probations or paroles. All court orders relating to any presentence investigation requested and probation or parole granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and, if the defendant subject to any such order is subject to an investigation or is under the supervision of the division of probation and parole, a copy of the order shall be sent to the division of probation and parole. In any county where a parole board ceases to exist, the clerk of the court shall preserve the records of that parole board. 2. Information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein. 3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state. ---------- (L. 1990 H.B. 974, A.L. 1995 H.B. 424, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.201 - Board of probation and parole created, 6th, 7th and 16th circuits — powers.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.201. Board of probation and parole created, 6th, 7th and 16th circuits — powers. —1. In each judicial circuit in this state composed of a single county wherein there is located a city having not less than four hundred thousand inhabitants and not more than seven hundred thousand inhabitants, a board of probation and parole is created to be composed of the several circuit judges of the judicial circuit. 2. The circuit judges of the circuit shall by majority vote select one of their number as chairman of the board of probation and parole. The chairman and any two or more of the circuit judges may grant, revoke, alter or terminate probation and paroles as provided for by law in sections 559.012 to 559.036. ---------- (L. 1990 H.B. 974 § 559.200)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.211 - Board of probation and parole — powers.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.211. Board of probation and parole — powers. —The board may make all needed rules and regulations concerning terms and conditions of probation and parole not inconsistent with the provisions of sections 559.012 to 559.036. No formal or technical form of application for probation or parole shall be required. The time, place and manner of its meetings shall be determined and regulated by a majority of the board of probation and parole. ---------- (L. 1990 H.B. 974 § 559.210)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.221 - Board of probation and parole — concurrent powers with trial courts.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.221. Board of probation and parole — concurrent powers with trial courts. —The board of probation and parole shall have and exercise concurrent powers of probation and parole with the trial courts of the circuit and shall have the same power and authority as that conferred upon the court, or the judge thereof, under the provisions of sections 559.012 to 559.036. ---------- (L. 1990 H.B. 974 § 559.220)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.231 - Board of probation and parole — records.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.231. Board of probation and parole — records. —It shall be the duty of said board to keep a record of persons paroled and, as far as possible, of their whereabouts, occupation and conduct, and a record of the final discharge of such persons upon parole, or the revocation of any parole and the reasons therefor. ---------- (L. 1990 H.B. 974 § 559.230)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.241 - Board of probation and parole — personnel.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.241. Board of probation and parole — personnel. —The board shall appoint a secretary, clerical personnel and probation and parole officers, who shall serve at the pleasure of the board. It shall be the duty of the secretary to keep a full and true record of the proceedings of the board. Under the direction of the board, the secretary shall have general charge of its office, superintend its clerical employees and perform such other duties as the board may prescribe. ---------- (L. 1990 H.B. 974 § 559.240)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.301 - Board of paroles created, certain circuits — powers.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.301. Board of paroles created, certain circuits — powers. —There is hereby created, in each judicial circuit of this state composed of a single county of the second class, a board of paroles, to be known as such, and consisting of the circuit judges of the circuit court of the county so composing such judicial circuit. The circuit judge of that division of the circuit court to which has been assigned, for the time being, the duty of trying criminal cases, shall be ex officio chairman, and the clerk of the circuit court shall be ex officio clerk of said board of paroles. Such board of paroles is hereby empowered and authorized to consider, grant, revoke, alter, or terminate paroles and to exercise all the powers herein granted and such other powers as may be provided by law. ---------- (L. 1990 H.B. 974 § 559.300)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.311 - Board of paroles — rules and regulations — meetings — members.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.311. Board of paroles — rules and regulations — meetings — members. —The board shall have power to make all needed rules and regulations concerning terms and conditions of parole and applications for parole as herein provided, but no formal or technical form of application therefor shall be required. The board so constituted shall hold regular meetings at least once in each week and more often if they shall deem it necessary, and all records, hearings and proceedings of the board shall be public and open to the inspection of the public. Whenever either of the members of the board of parole from any cause shall be unable to be present at any meeting or meetings of the board the attorneys of the court who are present but not less in number than five may elect one of its members then in attendance having the qualifications of a circuit judge to act as a temporary member of the board in the place of the member who is absent and the attorney together with the regular member of the board who is present shall have power to hear and determine all applications for parole. ---------- (L. 1990 H.B. 974 § 559.310)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.321 - Board of paroles — powers.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.321. Board of paroles — powers. —The board of paroles shall have and exercise the same powers of probation and parole and be subject to the same regulations that trial courts are endowed with and provided for by sections 559.012 to 559.036. ---------- (L. 1990 H.B. 974 § 559.320)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.331 - Board of paroles — duties — records.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.331. Board of paroles — duties — records. —It shall be the duty of the board to keep a record of persons paroled and as far as possible of their whereabouts, occupation and conduct, and a record of the final discharge of such person upon parole, or the revocation of any parole revoked and the reasons therefor. ---------- (L. 1990 H.B. 974 § 559.330)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.600 - Misdemeanor probation may be provided by contract with private entities, not to exclude board of probation and parole — drug testing — travel limits.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.600. Misdemeanor probation may be provided by contract with private entities, not to exclude board of probation and parole — drug testing — travel limits. —1. In cases where the division of probation and parole is not required under section 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to provide such services. The court-approved entity, including private or other entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the division of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a probation entity. 2. In all cases, the entity providing such private probation service shall utilize the cutoff concentrations utilized by the department of corrections with regard to drug and alcohol screening for clients assigned to such entity. A drug test is positive if drug presence is at or above the cutoff concentration or negative if no drug is detected or if drug presence is below the cutoff concentration. 3. In all cases, the entity providing such private probation service shall not require the clients assigned to such entity to travel in excess of fifty miles in order to attend their regular probation meetings. ---------- (L. 1992 S.B. 540 § 1 subsec. 1, A.L. 2008 H.B. 1550, A.L. 2014 S.B. 491, A.L. 2018 H.B. 1355, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.602 - Private entities to make application to circuit court to provide misdemeanor probation — contract content — procedure — withdrawal of board, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.602. Private entities to make application to circuit court to provide misdemeanor probation — contract content — procedure — withdrawal of board, when. —A private entity seeking to provide probation supervision and rehabilitation services to misdemeanor offenders shall make timely written application to the judges in a circuit. When approved by the judges of a circuit, the application, the judicial order of approval and the contract shall be forwarded to the division of probation and parole. The contract shall contain the responsibilities of the private entity, including the offenses for which persons will be supervised. The division may then withdraw supervision of misdemeanor offenders which are to be supervised by the court-approved private entity in that circuit. ---------- (L. 1992 S.B. 540 § 1 subsec. 2, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.604 - Cost of misdemeanor probation to be paid by offenders, exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.604. Cost of misdemeanor probation to be paid by offenders, exceptions. —Neither the state of Missouri nor any county of the state shall be required to pay any part of the cost of probation and rehabilitation services provided to misdemeanor offenders under sections 559.600 to 559.615. The person placed on probation shall contribute not less than thirty dollars or more than fifty dollars per month to the private entity providing him or her with supervision and rehabilitation services. The amount of the contribution shall be determined by the sentencing court. The court may exempt a person from all or part of the foregoing contribution if it finds any of the following factors to exist: (1) The offender has diligently attempted, but has been unable, to obtain employment which provides him or her sufficient income to make such payments; (2) The offender is a student in a school, college, university or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the court by the educational institution in which the offender is enrolled; (3) The offender has an employment handicap, as determined by a physical, psychological or psychiatric examination acceptable to or ordered by the court; (4) The offender's age prevents him or her from obtaining employment; (5) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender; (6) There are other extenuating circumstances as determined by the court to exempt or partially reduce such payments; or (7) The offender has been transferred outside the state under an interstate compact adopted pursuant to law. ---------- (L. 1992 S.B. 540 § 1 subsec. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.607 - Municipal ordinance violations, probation may be contracted for by municipal courts, procedure — cost to be paid by offenders, exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.607. Municipal ordinance violations, probation may be contracted for by municipal courts, procedure — cost to be paid by offenders, exceptions. —1. Judges of the municipal division in any circuit, acting through a chief or presiding judge, either may contract with a private or public entity or may employ any qualified person to serve as the city's probation officer to provide probation and rehabilitation services for persons placed on probation for violation of any ordinance of the city, specifically including the offense of operating or being in physical control of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. The contracting city shall not be required to pay for any part of the cost of probation and rehabilitation services authorized under sections 559.600 to 559.615. Persons found guilty or pleading guilty to ordinance violations and placed on probation by municipal or city court judges shall contribute a service fee to the court in the amount set forth in section 559.604 to pay the cost of their probation supervision provided by a probation officer employed by the court or by a contract probation officer as provided for in section 559.604. 2. When approved by municipal court judges in the municipal division, the application, judicial order of approval, and the contract shall be forwarded to and filed with the division of probation and parole. The court-approved private or public entity or probation officer employed by the court shall then function as the probation office for the city, pursuant to the terms of the contract or conditions of employment and the terms of probation ordered by the judge. Any city in this state which presently does not have probation services available for persons convicted of its ordinance violations, or that contracts out those services with a private entity, may, under the procedures authorized in sections 559.600 to 559.615, contract with and continue to contract with a private entity or employ any qualified person and contract with the municipal division to provide such probation supervision and rehabilitation services. ---------- (L. 1992 S.B. 540 § 1 subsecs. 4, 5, A.L. 2005 H.B. 58 merged with H.B. 353, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.609 - Qualifications and factors considered by judges in approving private entities to serve as probation offices.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.609. Qualifications and factors considered by judges in approving private entities to serve as probation offices. —The associate circuit or municipal judges approving the private entity to function as a probation office shall base their decision on factors such as length of time in the probation field, experience in supervising various types of offenders, the financial ability to operate a probation office in the jurisdiction, and other factors as the judges deem necessary and relevant. ---------- (L. 1992 S.B. 540 § 1 subsec. 6)

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.612 - Bids to be made by private entities — minimum duration for contracts — termination for cause prior to expiration permitted.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.612. Bids to be made by private entities — minimum duration for contracts — termination for cause prior to expiration permitted. —Judges shall solicit applications and proposals in accordance with provisions of chapter 34 on bids and requests for proposals. The minimum length of any probation services contract entered into by either associate circuit or municipal judges shall be three years. However, the judges shall have the right to terminate the contract for cause prior to its expiration date. ---------- (L. 1992 S.B. 540 § 1 subsec. 7)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.615 - Nepotism or financial interest by judges or certain other elected county officials, in private entities, prohibited.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.615. Nepotism or financial interest by judges or certain other elected county officials, in private entities, prohibited. —No judge, nor any person related within the third degree of consanguinity or affinity to a judge or any other county elected official with direct court supervision responsibilities, may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services pursuant to sections 559.600 to 559.615. ---------- (L. 1992 S.B. 540 § 1 subsec. 8, A.L. 1997 S.B. 248)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.630 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.630. Definitions. —As used in sections 559.630 to 559.635, the following words and phrases mean: (1)"Required educational assessment and community treatment program", a program certified by the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of a drug offense; (2)"Substance abuse specialist", a person who is qualified under the regulations of the department of mental health as a qualified instructor or professional to provide services in an alcohol and drug offender education program. ---------- (L. 1998 H.B. 1147, et al. § 2)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.633 - Court to order participation in program, when — fees determined by department of corrections — supplemental fee to be deposited in correctional substance abuse earnings fund.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.633. Court to order participation in program, when — fees determined by department of corrections — supplemental fee to be deposited in correctional substance abuse earnings fund. —1. Upon a finding of guilt for a felony offense pursuant to chapter 195 or 579, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment and community treatment program. 2. The fees for the required educational assessment and community treatment program, or a portion of such fees, to be determined by the department of corrections, shall be paid by the person receiving the assessment. Any person who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit to the department of corrections the supplemental fees for all persons assessed, less two percent for administrative costs. The supplemental fees received by the department of corrections pursuant to this section shall be deposited in the correctional substance abuse earnings fund created pursuant to section 559.635. ---------- (L. 1998 H.B. 1147, et al. § 3, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 559 - ProbationSection 559.635 - Correctional substance abuse earnings fund, use, rules.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 559 559.635. Correctional substance abuse earnings fund, use, rules. —1. There is hereby created in the state treasury a fund to be known as the "Correctional Substance Abuse Earnings Fund". The state treasurer shall credit to the fund any interest earned from investing the moneys in the fund. Notwithstanding the provisions of section 33.080, money in the correctional substance abuse earnings fund shall not be transferred and placed to the credit of general revenue at the end of the biennium. 2. Fees received pursuant to the required educational assessment and community treatment program shall be deposited in the correctional substance abuse earnings fund. The

moneys received from such fees shall be appropriated solely for assistance in securing alcohol and drug rehabilitation services. 3. The department of corrections and the department of mental health shall promulgate rules and regulations to implement and administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. ---------- (L. 1998 H.B. 1147, et al. § 4)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 561 - Collateral Consequences of ConvictionSection 561.016 - Basis of disqualification or disability.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 561 561.016. Basis of disqualification or disability. —1. No person shall suffer any legal disqualification or disability because of a finding of guilt or conviction of an offense or the sentence on his conviction, unless the disqualification or disability involves the deprivation of a right or privilege which is: (1) Necessarily incident to execution of the sentence of the court; or (2) Provided by the Constitution or the code; or (3) Provided by a statute other than the code, when the conviction is of an offense defined by such statute; or (4) Provided by the judgment, order or regulation of a court, agency or official exercising a jurisdiction conferred by law, or by the statute defining such jurisdiction, when the commission of the offense or the conviction or the sentence is reasonably related to the competency of the individual to exercise the right or privilege of which he or she is deprived. 2. Proof of a conviction as relevant evidence upon the trial or determination of any issue, or for the purpose of impeaching the convicted person as a witness, is not a disqualification or disability within the meaning of this chapter. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 561 - Collateral Consequences of ConvictionSection 561.021 - Forfeiture of public office — disqualification.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 561 561.021. Forfeiture of public office — disqualification. —1. A person holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, who is convicted of an offense shall, upon sentencing, forfeit such office if: (1) He or she is convicted under the laws of this state of a felony or under the laws of another jurisdiction of an offense which, if committed within this state, would be a felony, or he or she pleads guilty or nolo contendere of such an offense; or (2) He or she is convicted of or pleads guilty or nolo contendere to an offense involving misconduct in office, or dishonesty; or (3) The Constitution or a statute other than the code so provides. 2. Except as provided in subsection 3 of this section, a person who pleads guilty or nolo contendere or is convicted under the laws of this state of a felony or under the laws of another jurisdiction of an offense which, if committed within this state, would be a felony, shall be ineligible to hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, until the completion of his or her sentence or period of probation. 3. A person who pleads guilty or nolo contendere or is convicted under the laws of this state or under the laws of another jurisdiction of a felony connected with the exercise of the right of suffrage shall be forever disqualified from holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof. ---------- (L. 1977 S.B. 60, A.L. 1991 S.B. 262, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 561 - Collateral Consequences of ConvictionSection 561.026 - Disqualification from voting and jury service.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 561 561.026. Disqualification from voting and jury service. —Notwithstanding any other provision of law except for section 610.140, a person who is convicted: (1) Of any offense shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment; (2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting; (3) Of any felony shall be forever disqualified from serving as a juror. ---------- (L. 1977 S.B. 60, A.L. 1982 H.B. 1600, A.L. 2012 H.B. 1647, A.L. 2014 S.B. 491) Effective 1-01-17 (1987) This disqualification together with others in Missouri law means that Missouri has not substantially preserved or restored the civil rights of former felons for the purpose of permitting possession of a firearm by the felon pursuant to federal law. United States v. Presley, 667 F.Supp. 678 (W.D. Mo.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 561 - Collateral Consequences of ConvictionSection 561.031 - Physical appearance in court of a prisoner may be made by using two-way audio-visual communication including closed circuit television, when — requirements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 561 561.031. Physical appearance in court of a prisoner may be made by using two-way audio-visual communication including closed circuit television, when — requirements. —1. In the following proceedings, the provisions of section 544.250, 544.270, 544.275, 546.030, or of any other statute, or the provisions of supreme court rules 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57, 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person in court is required of any person, such personal appearance may be made by means of two-way audio-visual communication, including but not limited to closed circuit television or computerized video conferencing; provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the person: (1) First appearance before an associate circuit

judge on a criminal complaint; (2) Waiver of preliminary hearing and preliminary hearing with consent of the defendant; (3) Arraignment on an information or indictment where a plea of not guilty is entered; (4) Arraignment on an information or indictment where a plea of guilty is entered upon waiver of any right such person might have to be physically present; (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of witnesses; (6) Sentencing after conviction at trial upon waiver of any right such person might have to be physically present; (7) Sentencing after entry of a plea of guilty; (8) Any civil proceeding other than trial by jury; (9) Any civil or criminal proceeding which is not required to be a matter of record; and (10) Any civil or criminal proceeding by the consent of the parties. 2. This section shall not prohibit other appearances via closed circuit television upon waiver of any right such person held in custody or confinement might have to be physically present. 3. Nothing contained in this section shall be construed as establishing a right for any person held in custody to appear on television or as requiring that any governmental entity or place of custody or confinement provide a two-way audio-visual communication system. ---------- (L. 1988 H.B. 1344 § 1, A.L. 1990 H.B. 974 merged with S.B. 558, A.L. 1999 H.B. 257, A.L. 2009 H.B. 62 merged with H.B. 481)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.011 - Voluntary act.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.011. Voluntary act. —1. A person is not guilty of an offense unless his or her liability is based on conduct which includes a voluntary act. 2. A"voluntary act"is: (1) A bodily movement performed while conscious as a result of effort or determination; or (2) An omission to perform an act of which the actor is physically capable. 3. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control. 4. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.012 - Attempt — guilt for an offense may be based on.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.012. Attempt — guilt for an offense may be based on. —1. Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs any act which is a substantial step towards the commission of the offense. A"substantial step"is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. 2. It is no defense to a prosecution that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be. 3. Unless otherwise set forth in the statute creating the offense, when guilt for a felony or misdemeanor is based upon an attempt to commit that offense, the felony or misdemeanor shall be classified one step lower than the class provided for the felony or misdemeanor in the statute creating the offense. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 564.011; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.014 - Conspiracy, offense of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.014. Conspiracy, offense of — penalty. —1. A person commits the offense of conspiracy to commit, in any manner or for any purpose, an offense if the person agrees, with one or more persons, to commit any class A, B, or C felony offense, or any unclassified felony offenses if the maximum term of imprisonment for such unclassified felony exceeds ten years or more, and one or more of such persons do any act in furtherance of such an agreement. 2. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons. 3. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense of conspiracy so long as such multiple offenses are the object of the same agreement. 4. (1) No person shall be convicted of conspiracy to commit an offense if, after conspiring to commit the offense, he or she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his or her criminal purpose. (2) The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under subdivision (1) of this subsection. 5. For the purpose of time limitations on prosecutions: (1) A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired; (2) If an individual abandons the agreement, the conspiracy is terminated as to him or her only if he or she advises those with whom he or she has conspired of his or her abandonment or he or she informs the law enforcement authorities of the existence of the conspiracy and of his or her participation in it. 6. The offense of conspiracy to commit an offense is a class C felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2016 H.B. 2332, A.L. 2020 S.B. 600) Transferred 2014; formerly 564.016; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.016 - Culpable mental state.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.016. Culpable mental state. —1. Except as provided in section 562.026, a person is not guilty of an offense unless he or she acts with a culpable mental state, that is, unless he or she acts purposely or knowingly or recklessly or with criminal negligence, as the statute defining the offense may require with respect to the conduct, the result thereof or the attendant circumstances which constitute the material elements of the crime. 2. A person"acts purposely", or with purpose, with respect to his or her conduct or to a result thereof when it is his or her conscious object to engage in that conduct or to cause that result. 3. A person"acts knowingly", or with knowledge: (1) With respect to his or her conduct or to attendant circumstances when he or she is aware of the nature of his or her conduct or that those circumstances exist; or (2) With respect to a result of his or her conduct when he or she is aware that his or her conduct is practically certain to cause that result. 4. A person"acts recklessly"or is reckless when he or she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. 5. A person"acts with criminal negligence"or is criminally negligent when he or she fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.021 - Culpable mental state, application.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.021. Culpable mental state, application. —1. If the definition of any offense prescribes a culpable mental state but does not specify the conduct, attendant circumstances or result to which it applies, the prescribed culpable mental state applies to each such material element. 2. If the definition of an offense prescribes a culpable mental state with regard to a particular element or elements of that offense, the prescribed culpable mental state shall be required only as to specified element or elements, and a culpable mental state shall not be required as to any other element of the offense. 3. Except as provided in subsection 2 of this section and section 562.026, if the definition of any offense does not expressly prescribe a culpable mental state for any elements of the offense, a culpable mental state is nonetheless required and is established if a person acts purposely or knowingly; but reckless or criminally negligent acts do not establish such culpable mental state. 4. If the definition of an offense prescribes criminal negligence as the culpable mental state, it is also established if a person acts purposely or knowingly or recklessly. When recklessness suffices to establish a culpable mental state, it is also established if a person acts purposely or knowingly. When acting knowingly suffices to establish a culpable mental state, it is also established if a person acts purposely. 5. Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the statute defining an offense is not an element of an offense unless the statute clearly so provides. ---------- (L. 1977 S.B. 60, A.L. 1993 S.B. 167, A.L. 1997 S.B. 89)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.026 - Culpable mental state, when not required.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.026. Culpable mental state, when not required. —A culpable mental state is not required: (1) If the offense is an infraction and no culpable mental state is prescribed by the statute defining the offense; or (2) If the offense is a felony or misdemeanor and no culpable mental state is prescribed by the statute defining the offense, and imputation of a culpable mental state to the offense is clearly inconsistent with the purpose of the statute defining the offense or may lead to an absurd or unjust result. ---------- (L. 1977 S.B. 60, A.L. 1997 S.B. 89)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.031 - Ignorance and mistake.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.031. Ignorance and mistake. —1. A person is not relieved of criminal liability for conduct because he or she engages in such conduct under a mistaken belief of fact or law unless such mistake negatives the existence of the mental state required by the offense. 2. A person is not relieved of criminal liability for conduct because he or she believes his or her conduct does not constitute an offense unless his or her belief is reasonable and: (1) The offense is defined by an administrative regulation or order which is not known to him or her and has not been published or otherwise made reasonably available to him or her, and he or she could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him or her; or (2) He or she acts in reasonable reliance upon an official statement of the law, afterward determined to be invalid or erroneous, contained in: (a) A statute; (b) An opinion or order of an appellate court; or (c) An official interpretation of the statute, regulation or order defining the offense made by a public official or agency legally authorized to interpret such statute, regulation or order. 3. The burden of injecting the issue of reasonable belief that conduct does not constitute an offense under subdivisions (1) and (2) of subsection 2 of this section is on the defendant. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.036 - Accountability for conduct.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.036.

Accountability for conduct. —A person with the required culpable mental state is guilty of an offense if it is committed by his or her own conduct or by the conduct of another person for which he or she is criminally responsible, or both. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.041 - Responsibility for the conduct of another.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.041. Responsibility for the conduct of another. —1. A person is criminally responsible for the conduct of another when: (1) The statute defining the offense makes him or her so responsible; or (2) Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he or she aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense. 2. However, a person is not so responsible if: (1) He or she is the victim of the offense committed or attempted; (2) The offense is so defined that his or her conduct was necessarily incident to the commission or attempt to commit the offense. If his or her conduct constitutes a related but separate offense, he or she is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person; (3) Before the commission of the offense such person abandons his or her purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense. 3. The defense provided by subdivision (3) of subsection 2 of this section is an affirmative defense. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 (1997) Female can be held guilty of rape where she aids a male in committing the rape, even though she cannot commit a rape individually. Bass v. State, 950 S.W.2d 940 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.046 - Defense precluded.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.046. Defense precluded. —It is no defense to any prosecution for an offense in which the criminal responsibility of the defendant is based upon the conduct of another that (1) Such other person has been acquitted or has not been convicted or has been convicted of some other offense or degree of offense or lacked criminal capacity or was unaware of the defendant's criminal purpose or is immune from prosecution or is not amenable to justice; or (2) The defendant does not belong to that class of persons who was legally capable of committing the offense in an individual capacity. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.051 - Conviction of different degrees of offenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.051. Conviction of different degrees of offenses. —Except as otherwise provided, when two or more persons are criminally responsible for an offense which is divided into degrees, each person is guilty of such degree as is compatible with his or her own culpable mental state and with his or her own accountability for an aggravating or mitigating fact or circumstance. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.056 - Liability of corporations and unincorporated associations.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.056. Liability of corporations and unincorporated associations. —1. A corporation is guilty of an offense if: (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or (2) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his or her employment and in behalf of the corporation, and the offense is a misdemeanor or an infraction, or the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on a corporation; or (3) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his or her employment and in behalf of the corporation. 2. An unincorporated association is guilty of an offense if: (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the association by law; or (2) The conduct constituting the offense is engaged in by an agent of the association while acting within the scope of his or her employment and in behalf of the association and the offense is one defined by a statute that clearly indicates a legislative intent to impose such criminal liability on the association. 3. As used in this section: (1)"Agent"means any director, officer or employee of a corporation or unincorporated association or any other person who is authorized to act in behalf of the corporation or unincorporated association; (2)"High managerial agent"means an officer of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.061 - Liability of individual for conduct of corporation or unincorporated association.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.061. Liability of individual for conduct of corporation or unincorporated association. —A person is criminally liable for conduct constituting an offense which he or she performs or causes to be performed in the name of or in behalf of a corporation or unincorporated association to the same extent as if such conduct were performed in his or her own name or behalf. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.066 - Entrapment.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.066. Entrapment. —1. The commission of acts which would otherwise constitute an offense is not criminal if the actor engaged in the prescribed conduct because he or she was entrapped by a law enforcement officer or a person acting in cooperation with such an officer. 2. An"entrapment"is perpetuated if a law enforcement officer or a person acting in cooperation with such an officer, for the purpose of obtaining evidence of the commission of an offense, solicits, encourages or otherwise induces another person to engage in conduct when he or she was not ready and willing to engage in such conduct. 3. The relief afforded by subsection 1 of this section is not available as to any crime which involves causing physical injury to or placing in danger of physical injury a person other than the person perpetrating the entrapment. 4. The defendant shall have the burden of injecting the issue of entrapment. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.071 - Duress.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.071. Duress. —1. It is an affirmative defense that the defendant engaged in the conduct charged to constitute an offense because he or she was coerced to do so, by the use of, or threatened imminent use of, unlawful physical force upon him or her or a third person, which force or threatened force a person of reasonable firmness in his situation would have been unable to resist. 2. The defense of"duress"as defined in subsection 1 is not available: (1) As to the crime of murder; (2) As to any offense when the defendant recklessly places himself or herself in a situation in which it is probable that he or she will be subjected to the force or threatened force described in subsection 1 of this section. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 (1984) Duress is not available as a defense to first degree felony murder. State v. Rumble (Mo. banc), 680 S.W.2d 939.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.076 - Intoxicated or drugged condition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.076. Intoxicated or drugged condition. —1. A person who is in an intoxicated or drugged condition, whether from alcohol, drugs or other substance, is criminally responsible for conduct unless such condition is involuntarily produced and deprived him or her of the capacity to know or appreciate the nature, quality or wrongfulness of his or her conduct. 2. The defendant shall have the burden of injecting the issue of intoxicated or drugged condition. 3. Evidence that a person was in a voluntarily intoxicated or drugged condition may be admissible when otherwise relevant on issues of conduct but in no event shall it be admissible for the purpose of negating a mental state which is an element of the offense. In a trial by jury, the jury shall be so instructed when evidence that a person was in a voluntarily intoxicated or drugged condition has been received into evidence. ---------- (L. 1977 S.B. 60, A.L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A--effective 10-1-84, A.L. 1993 S.B. 167, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 562 - General Principles of LiabilitySection 562.086 - Lack of responsibility because of mental disease or defect.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 562 562.086. Lack of responsibility because of mental disease or defect. —1. A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he was incapable of knowing and appreciating the nature, quality or wrongfulness of his or her conduct. 2. The procedures for the defense of lack of responsibility because of mental disease or defect are governed by the provisions of chapter 552. ---------- (L. 1977 S.B. 60, A.L. 1993 S.B. 180, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.011 - Chapter definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.011. Chapter definitions. —As used in this chapter the following terms shall mean: (1)"Armed nuclear security guard", a security guard who works at a nuclear power plant, who is employed as part of the security plan approved by the United States Nuclear Regulatory Commission, and who meets the requirements mandated by the United States Nuclear Regulatory Commission for carrying a firearm; (2)"Deadly force", physical force which the actor uses with the purpose of causing or which he or she knows to create a substantial risk of causing death or serious physical injury; (3)"Dwelling", any building, inhabitable structure, or conveyance of any kind, whether the building, inhabitable structure, or conveyance is temporary or permanent, mobile or immobile, which has a roof

over it, including a tent, and is designed to be occupied by people lodging therein at night; (4)"Forcible felony", any felony involving the use or threat of physical force or violence against any individual, including but not limited to murder, robbery, burglary, arson, kidnapping, assault, and any forcible sexual offense; (5)"Premises", includes any building, inhabitable structure and any real property; (6)"Private person", any person other than a law enforcement officer; (7)"Private property", any real property in this state that is privately owned or leased; (8)"Remain after unlawfully entering", to remain in or upon premises after unlawfully entering as defined in this section; (9)"Residence", a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest; (10)"Structure or fenced yard", any structure, fenced yard, wall, building, other similar barrier, or any combination of the foregoing that is located on the real property of a nuclear power plant and that is posted with signage indicating it is a felony to trespass; (11)"Unlawfully enter", a person unlawfully enters in or upon premises or private property when he or she enters such premises or private property and is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters in or upon private property or premises that are at the time open to the public does so with license unless he or she defies a lawful order not to enter, personally communicated to him or her by the owner of such premises or by another authorized person. A license to enter in a building that is only partly open to the public is not a license to enter in that part of the building that is not open to the public. ---------- (L. 1977 S.B. 60, A.L. 2007 S.B. 62 & 41, A.L. 2010 H.B. 1692, et al., A.L. 2018 H.B. 1797)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.016 - Civil remedies unaffected.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.016. Civil remedies unaffected. —The fact that conduct is justified under this chapter does not abolish or impair any remedy for such conduct which is available in any civil actions. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.021 - Execution of public duty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.021. Execution of public duty. —1. Unless inconsistent with the provisions of this chapter defining the justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when such conduct is required or authorized by a statutory provision or by a judicial decree. Among the kinds of such provisions and decrees are: (1) Laws defining duties and functions of public servants; (2) Laws defining duties of private persons to assist public servants in the performance of their functions; (3) Laws governing the execution of legal process; (4) Laws governing the military services and the conduct of war; (5) Judgments and orders of courts. 2. The defense of justification afforded by subsection 1 of this section applies: (1) When a person reasonably believes his or her conduct to be required or authorized by the judgment or directions of a competent court or tribunal or in the legal execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; (2) When a person reasonably believes his or her conduct to be required or authorized to assist a public servant in the performance of his or her duties, notwithstanding that the public servant exceeded his or her legal authority. 3. The defendant shall have the burden of injecting the issue of justification under this section. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.026 - Justification generally.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.026. Justification generally. —1. Unless inconsistent with other provisions of this chapter defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute any offense other than a class A felony or murder is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury sought to be prevented by the statute defining the offense charged. 2. The necessity and justifiability of conduct under subsection 1 of this section may not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder. Whenever evidence relating to the defense of justification under this section is offered, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification. 3. The defense of justification under this section is an affirmative defense. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.031 - Use of force in defense of persons.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 *563.031. Use of force in defense of persons. —1. A person may, subject to the provisions of subsection 2 of this section, use physical force upon another person when and to the extent he or she reasonably believes such force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful force by such other person, unless: (1)

The actor was the initial aggressor; except that in such case his or her use of force is nevertheless justifiable provided: (a) He or she has withdrawn from the encounter and effectively communicated such withdrawal to such other person but the latter persists in continuing the incident by the use or threatened use of unlawful force; or (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section 563.046; or (c) The aggressor is justified under some other provision of this chapter or other provision of law; (2) Under the circumstances as the actor reasonably believes them to be, the person whom he or she seeks to protect would not be justified in using such protective force; (3) The actor was attempting to commit, committing, or escaping after the commission of a forcible felony. 2. A person shall not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless: (1) He or she reasonably believes that such deadly force is necessary to protect himself, or herself or her unborn child, or another against death, serious physical injury, or any forcible felony; (2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person; or (3) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter private property that is owned or leased by an individual, or is occupied by an individual who has been given specific authority by the property owner to occupy the property, claiming a justification of using protective force under this section. 3. A person does not have a duty to retreat: (1) From a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining; (2) From private property that is owned or leased by such individual; or (3) If the person is in any other location such person has the right to be. 4. The justification afforded by this section extends to the use of physical restraint as protective force provided that the actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so. 5. The defendant shall have the burden of injecting the issue of justification under this section. If a defendant asserts that his or her use of force is described under subdivision (2) of subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use or imminent use of unlawful force. ---------- (L. 1977 S.B. 60, A.L. 1993 S.B. 180, A.L. 2007 S.B. 62 & 41, A.L. 2010 H.B. 1692, et al. merged with H.B. 2081, A.L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.033 - Battered spouse syndrome evidence that defendant acted in self-defense or defense of another — procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.033. Battered spouse syndrome evidence that defendant acted in self-defense or defense of another — procedure. —1. Evidence that the actor was suffering from the battered spouse syndrome shall be admissible upon the issue of whether the actor lawfully acted in self-defense or defense of another. 2. If the defendant proposes to offer evidence of the battered spouse syndrome, he shall file written notice thereof with the court in advance of trial. Thereafter, the court, upon motion of the state, shall appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to intellectually disabled or mentally ill individuals, who are neither employees nor contractors of the department of mental health for the purposes of performing the examination in question, to examine the accused, or shall direct the director of the department of mental health, or his designee, to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to intellectually disabled or mentally ill individuals designated by the director, or his designee, for the purpose of examining the defendant. No private psychiatrist, psychologist, or physician shall be appointed by the court unless he has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that if the order directs the director of the department of mental health to have the accused examined, the director, or his designee, shall determine the reasonable time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses. 3. No statement made by the accused in the course of any such examination and no information received by any physician or other person in the course thereof, whether such examination was made with or without the consent of the accused or upon his motion or upon that of others, shall be admitted in evidence against the accused on the issue of whether he committed the act charged against him in any criminal proceeding then or thereafter pending in any court, state or federal. ---------- (L. 1987 H.B. 341, A.L. 2014 H.B. 1064) (1990) Evidence of "battered spouse syndrome" admissible in claims of self-defense does not depend on defendant's marital status. (Mo.App.E.D.) State v. Williams, 787 S.W.2d 308. (1995) Where wife looked for someone to kill her husband for over three months prior to murder, statute prohibits the battered spouse syndrome because defendant had not been able to raise the issue of self-defense. Anderson v. Goeke, 44 F.3d 675 (8th Cir.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.041 - Use of physical force in defense of property.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.041. Use of physical force in defense of property. —1. A person may, subject to the limitations of subsection 2, use physical force upon another person when and to the extent that he or she reasonably believes it necessary to prevent what he or she reasonably believes to be the commission or attempted commission by such person of stealing, property damage or tampering in any degree. 2. A person may use deadly force under circumstances described in subsection 1 only when such use of deadly force is authorized under other sections of this chapter. 3. The justification afforded by this section extends to the use of physical restraint as protective force provided that the

actor takes all reasonable measures to terminate the restraint as soon as it is reasonable to do so. 4. An armed nuclear security guard may use the following levels of physical force against another person at a nuclear power plant or within a structure or fenced yard of a nuclear power plant if the armed nuclear security guard reasonably believes that such force is necessary: (1) An armed nuclear security guard may use physical force, as he or she reasonably believes is immediately necessary, up to and including deadly physical force to: (a) Prevent an action that would constitute murder in the first or second degree under section 565.020 or 565.021; (b) Prevent an action that would constitute voluntary manslaughter under section 565.023; (c) Prevent an action that would constitute assault in the first or second degree under section 565.050 or 565.052; or (d) Defend himself, herself, or a third person from the use or imminent use of deadly physical force; (2) An armed nuclear security guard may use physical force, as he or she reasonably believes is immediately necessary, up to but not including deadly physical force to prevent an action that would constitute: (a) Assault in the third or fourth degree under section 565.054 or 565.056; (b) Kidnapping in the first, second, or third degree under section 565.110, 565.120, or 565.130; (c) Burglary in the first or second degree under section 569.160 or 569.170; (d) Arson in the first, second, or third degree under section 569.040, 569.050, or 569.053; (e) Property damage in the first degree under section 569.100; (f) Robbery in the first or second degree under section 570.023 or 570.025; (g) Armed criminal action under section 571.015; or (h) Trespass in the first degree under section 569.140; (3) An armed nuclear security guard is justified in threatening to use physical force or deadly physical force if and to the extent a reasonable armed nuclear security guard believes it necessary to protect himself, herself, or others against another person's potential use of physical force or deadly physical force. 5. Notwithstanding any provisions of section 563.016 to the contrary, an armed nuclear security guard, employer of an armed nuclear security guard, or owner of a nuclear power plant shall not be subject to civil liability for conduct of an armed nuclear security guard that is permitted by this section. 6. The defendant shall have the burden of injecting the issue of justification under this section. ---------- (L. 1977 S.B. 60, A.L. 2007 S.B. 62 & 41, A.L. 2018 H.B. 1797)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.046 - Law enforcement officer's use of force in making an arrest.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.046. Law enforcement officer's use of force in making an arrest. —1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, a law enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he or she reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody. 2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer's underlying intent or motivation. 3. In effecting an arrest or in preventing an escape from custody, a law enforcement officer is justified in using deadly force only: (1) When deadly force is authorized under other sections of this chapter; or (2) When the officer reasonably believes that such use of deadly force is immediately necessary to effect the arrest or prevent an escape from custody and also reasonably believes that the person to be arrested: (a) Has committed or attempted to commit a felony offense involving the infliction or threatened infliction of serious physical injury; or (b) Is attempting to escape by use of a deadly weapon or dangerous instrument; or (c) May otherwise endanger life or inflict serious physical injury to the officer or others unless arrested without delay. 4. The defendant shall have the burden of injecting the issue of justification under this section. ---------- (L. 1977 S.B. 60, A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.051 - Private person's use of force in making an arrest.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.051. Private person's use of force in making an arrest. —1. A private person who has been directed by a person he or she reasonably believes to be a law enforcement officer to assist such officer to effect an arrest or to prevent escape from custody may, subject to the limitations of subsection 3 of this section, use physical force when and to the extent that he or she reasonably believes such to be necessary to carry out such officer's direction unless he or she knows or believes that the arrest or prospective arrest is not or was not authorized. 2. A private person acting on his or her own account may, subject to the limitations of subsection 3 of this section, use physical force to arrest or prevent the escape of a person whom such private person reasonably believes has committed an offense, and who in fact has committed such offense, when the private person's actions are immediately necessary to arrest the offender or prevent his or her escape from custody. 3. A private person in effecting an arrest or in preventing escape from custody is justified in using deadly force only: (1) When deadly force is authorized under other sections of this chapter; or (2) When he or she reasonably believes deadly force is authorized under the circumstances and he or she is directed or authorized by a law enforcement officer to use deadly force; or (3) When he or she reasonably believes such use of deadly force is immediately necessary to arrest a person who at that time and in his or her presence: (a) Committed or attempted to commit a class A felony or murder; or (b) Is attempting to escape by use of a deadly weapon. 4. The defendant shall have the burden of injecting the issue of justification under this section. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.056 - Use of force to prevent escape from confinement.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.056. Use of force to prevent escape from confinement. —1. A guard or other law enforcement officer may, subject to the provisions of subsection 2 of this section, use physical force when he reasonably believes such to be immediately necessary to prevent escape from confinement or in transit thereto or therefrom. 2. A guard or other law enforcement officer may use deadly force under circumstances described in subsection 1 of this section only: (1) When such use of deadly force is authorized under other sections of this chapter; or (2) When he or she reasonably believes there is a substantial risk that the escapee will endanger human life or cause serious physical injury unless the escape is prevented. 3. The defendant shall have the burden of injecting the issue of justification under this section. ---------- (L. 1977 S.B. 60, A.L. 1983 H.B. 713 Revision, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.061 - Use of force by persons with responsibility for care, discipline or safety of others.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.061. Use of force by persons with responsibility for care, discipline or safety of others. —1. The use of physical force by an actor upon another person is justifiable when the actor is a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person or when the actor is a teacher or other person entrusted with the care and supervision of a minor for a special purpose; and (1) The actor reasonably believes that the force used is necessary to promote the welfare of a minor or incompetent person, or, if the actor's responsibility for the minor is for special purposes, to further that special purpose or to maintain reasonable discipline in a school, class or other group; and (2) The force used is not designed to cause or believed to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain or extreme emotional distress. 2. A warden or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use whatever physical force, including deadly force, that is authorized by law. 3. The use of physical force by an actor upon another person is justifiable when the actor is a person responsible for the operation of or the maintenance of order in a vehicle or other carrier of passengers and the actor reasonably believes that such force is necessary to prevent interference with its operation or to maintain order in the vehicle or other carrier, except that deadly force may be used only when the actor reasonably believes it necessary to prevent death or serious physical injury. 4. The use of physical force by an actor upon another person is justified when the actor is a physician or a person assisting at his or her direction; and (1) The force is used for the purpose of administering a medically acceptable form of treatment which the actor reasonably believes to be adapted to promoting the physical or mental health of the patient; and (2) The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of the parent, guardian, or other person legally competent to consent on his or her behalf, or the treatment is administered in an emergency when the actor reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent. 5. The use of physical force by an actor upon another person is justifiable when the actor acts under the reasonable belief that: (1) Such other person is about to commit suicide or to inflict serious physical injury upon himself or herself; and (2) The force used is necessary to thwart such result. 6. The defendant shall have the burden of injecting the issue of justification under this section. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.070 - Accidents an excuse for offense, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.070. Accidents an excuse for offense, when. —1. Conduct which would otherwise constitute an offense under chapter 565 is excusable and not criminal when it is the result of accident in any lawful act by lawful means without knowingly causing or attempting to cause physical injury and without acting with criminal negligence. 2. The defendant shall have the burden of injecting the issue of excuse authorized under this section. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 563 - Defense of JustificationSection 563.074 - Justification as an absolute defense, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 563 563.074. Justification as an absolute defense, when. —1. Notwithstanding the provisions of section 563.016, a person who uses force as described in sections 563.031, 563.041, 563.046, 563.051, 563.056, and 563.061 is justified in using such force and such fact shall be an absolute defense to criminal prosecution or civil liability. 2. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant has an absolute defense as provided in subsection 1 of this section. ---------- (L. 2007 S.B. 62 & 41)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.001 - Procedure for chapter 565.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.001. Procedure for chapter 565. —1. The provisions of this chapter shall govern the construction and procedures for charging, trial, punishment and appellate review of any offense defined in this chapter and committed after July 1, 1984. 2. The provisions of this chapter shall not govern the construction or procedures for charging, trial, punishment or appellate review of any offense committed before the effective date of this chapter. Such an offense must be construed, punished, charged, tried and reviewed on appeal according to applicable provisions of law existing prior to the effective date of this chapter in the same manner as if this chapter had not been enacted, the provisions of section 1.160 notwithstanding. 3. All provisions of "The Criminal Code" or other law consistent with the provisions of this chapter shall apply to this chapter. In the event of a conflict, the provisions of this chapter shall govern the interpretation of the provisions of this chapter. 4. Persons accused of committing a homicide offense shall be prosecuted: (1) In the county in which the offense is committed; or (2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred; or (3) In the county in which the body of the deceased victim is found; or (4) If subdivisions (1), (2), and (3) of this subsection do not apply, then in the county in which the victim lived. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A) Effective 10-01-84

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.002 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.002. Definitions. —As used in this chapter, unless a different meaning is otherwise plainly required the following terms mean: (1)"Adequate cause", cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control; (2)"Child", a person under seventeen years of age; (3)"Conduct", includes any act or omission; (4)"Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests; (5)"Deliberation", cool reflection for any length of time no matter how brief; (6)"Domestic victim", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family; (7)"Emotional distress", something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living; (8)"Full or partial nudity", the showing of all or any part of the human genitals, pubic area, buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering; (9)"Legal custody", the right to the care, custody and control of a child; (10)"Parent", either a biological parent or a parent by adoption; (11)"Person having a right of custody", a parent or legal guardian of the child; (12)"Photographs"or"films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person; (13)"Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another; (14)"Special victim", any of the following: (a) A law enforcement officer assaulted in the performance of his or her official duties or as a direct result of such official duties; (b) Emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties; (c) A probation and parole officer assaulted in the performance of his or her official duties or as a direct result of such official duties; (d) An elderly person; (e) A person with a disability; (f) A vulnerable person; (g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted in the performance of his or her official duties or as a direct result of such official duties; (h) A highway worker in a construction or work zone as the terms "highway worker", "construction zone", and "work zone" are defined under section 304.580; (i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his or her job duties, including any person employed under a contract; (j) Any cable worker, meaning any employee of a cable operator, as such term is defined in section 67.2677, including any person employed under contract, while in the performance of his or her job duties; and (k) Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his or her job duties; (15)"Sudden passion", passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation; (16)"Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the assessment and declaration of punishment are submitted for decision; (17)"Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.003 - Culpable mental state may exist though different person killed — transfer of intent, when — time between act and death no defense.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.003. Culpable mental state may exist though different person killed — transfer of intent, when — time between act and death no defense. —1. (1) The culpable mental state necessary for a homicide offense may be found to exist if the only difference between what actually

occurred and what was the object of the offender's state of mind is that a different person or persons were killed. (2) It shall not be a defense to a homicide charge that the identity of the person the offender intended to kill cannot be established. If the state proves beyond a reasonable doubt that the offender had the requisite mental state toward a specific person or a general class of persons who are not identified or who are not identifiable, such intent shall be transferred to a person who is killed by the offender while such mental state existed. 2. The length of time which transpires between conduct which results in a death and is the basis of a homicide offense and the event of such death is no defense to any charge of homicide. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2023 S.B. 227)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.004 - Joinder of offenses, exception — prior offenders, procedure, exception, first degree murder — joinder, first degree murder, waiver of death penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.004. Joinder of offenses, exception — prior offenders, procedure, exception, first degree murder — joinder, first degree murder, waiver of death penalty. —1. Each homicide offense which is lawfully joined in the same indictment or information together with any homicide offense or offense other than a homicide shall be charged together with such offense in separate counts. A count charging any offense of homicide may only be charged and tried together with one or more counts of any other homicide or offense other than a homicide as provided in subsection 2 of section 545.140. Except as provided in subsections 2, 3, and 4 of this section, no murder in the first degree offense may be tried together with any offense other than murder in the first degree. In the event of a joinder of homicide offenses, all offenses charged which are supported by the evidence in the case, together with all proper lesser offenses under section 565.029, shall, when requested by one of the parties or the court, be submitted to the jury or, in a jury-waived trial, considered by the judge. 2. A count charging any offense of homicide of a particular individual may be joined in an indictment or information and tried with one or more counts charging alternatively any other homicide or offense other than a homicide committed against that individual. The state shall not be required to make an election as to the alternative count on which it will proceed. This subsection in no way limits the right to try in the conjunctive, where they are properly joined under subsection 1 of this section, either separate offenses other than murder in the first degree or separate offenses of murder in the first degree committed against different individuals. 3. When a defendant has been charged and proven before trial to be a prior offender pursuant to chapter 558 so that the judge shall assess punishment and not a jury for an offense other than murder in the first degree, that offense may be tried and submitted to the trier together with any murder in the first degree charge with which it is lawfully joined. In such case the judge will assess punishment on any offense joined with a murder in the first degree charge according to law and, when the trier is a jury, it shall be instructed upon punishment on the charge of murder in the first degree in accordance with section 565.030. 4. When the state waives the death penalty for a murder first degree offense, that offense may be tried and submitted to the trier together with any other charge with which it is lawfully joined. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 1993 S.B. 180, A.L. 2014 S.B. 491) Effective 1-01-17 (1989) Plain language of statute indicates circumstances allowing joinder of offenses with first degree murder are limited; however, where the charges arise from the same transaction and relate to acts committed against the same victim, the murder and armed criminal action can be joined and tried together. (Mo.banc) State ex rel. Bulloch v. Seier, 771 S.W.2d 71.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.005 - Prior to trial for first degree murder, opposing counsels to furnish requested information, rules applied.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.005. Prior to trial for first degree murder, opposing counsels to furnish requested information, rules applied. —1. At a reasonable time before the commencement of the first stage of any trial of murder in the first degree at which the death penalty is not waived, the state and defendant, upon request and without order of the court, shall serve counsel of the opposing party with: (1) A list of all aggravating or mitigating circumstances as provided in subsection 1 of section 565.032, which the party intends to prove at the second stage of the trial; (2) The names of all persons whom the party intends to call as witnesses at the second stage of the trial; (3) Copies or locations and custodian of any books, papers, documents, photographs or objects which the party intends to offer at the second stage of the trial. If copies of such materials are not supplied to opposing counsel, the party shall cause them to be made available for inspection and copying without order of the court. 2. The disclosures required in subsection 1 of this section are supplemental to those required by rules of the supreme court relating to a continuing duty to disclose information, the use of matters disclosed, matters not subject to disclosure, protective orders, and sanctions for failure to comply with an applicable discovery rule or order, all of which shall also apply to any disclosure required by this section. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A) Effective 10-01-84

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.006 - Waiver of jury trial permitted, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.006. Waiver of jury trial permitted, when. —1. At any time before the commencement of the trial of a homicide offense, the defendant may, with the assent of the court, waive a trial by jury and agree to submit all issues in the case to the court, whose finding shall have the force and effect of a verdict of a jury. Such a waiver must include a waiver of a trial by jury of all issues and offenses charged in the case,

including the punishment to be assessed and imposed if the defendant is found guilty. 2. No defendant who pleads guilty to a homicide offense or who is found guilty of a homicide offense after trial to the court without a jury shall be permitted a trial by jury on the issue of the punishment to be imposed, except by agreement of the state. 3. If a defendant is found guilty of murder in the first degree after a jury trial in which the state has not waived the death penalty, the defendant may not waive a jury trial of the issue of the punishment to be imposed, except by agreement with the state and the court. 4. Any waiver of a jury trial and agreement permitted by this section shall be entered in the court record. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A) Effective 10-01-84 (2002) Arizona statute allowing trial judge to determine presence or absence of aggravating factors required for imposition of death penalty violates Sixth Amendment right to a jury trial. Ring v. Arizona, 122 S.Ct. 2428 (U.S. Supreme Court).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.010 - Consent as a defense.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.010. Consent as a defense. —1. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if: (1) The physical injury consented to or threatened by the conduct is not serious physical injury; or (2) The conduct and the harm are reasonably foreseeable hazards of: (a) The victim's occupation or profession; or (b) Joint participation in a lawful athletic contest or competitive sport; or (3) The consent establishes a justification for the conduct under chapter 563 of this code. 2. The defendant shall have the burden of injecting the issue of consent. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.080; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.020 - First degree murder, penalty — person under eighteen years of age, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.020. First degree murder, penalty — person under eighteen years of age, penalty. —1. A person commits the offense of murder in the first degree if he or she knowingly causes the death of another person after deliberation upon the matter. 2. The offense of murder in the first degree is a class A felony, and, if a person is eighteen years of age or older at the time of the offense, the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor. If a person has not reached his or her eighteenth birthday at the time of the commission of the offense, the punishment shall be as provided under section 565.033. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 1990 H.B. 974, A.L. 2016 S.B. 590) Effective 7-13-16 CROSS REFERENCE: Execution, location, duties of the warden, 546.730

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.021 - Second degree murder, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.021. Second degree murder, penalty. —1. A person commits the offense of murder in the second degree if he or she: (1) Knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person; or (2) Commits or attempts to commit any felony, and, in the perpetration or the attempted perpetration of such felony or in the flight from the perpetration or attempted perpetration of such felony, another person is killed as a result of the perpetration or attempted perpetration of such felony or immediate flight from the perpetration of such felony or attempted perpetration of such felony. 2. The offense of murder in the second degree is a class A felony, and the punishment for second degree murder shall be in addition to the punishment for commission of a related felony or attempted felony, other than murder or manslaughter. 3. Notwithstanding section 556.046 and section 565.029, in any charge of murder in the second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge shall consider, any and all of the subdivisions in subsection 1 of this section which are supported by the evidence and requested by one of the parties or the court. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: No bail, certain defendants, certain offenses, 544.671 (1990) Reduction in sentence was available to defendant when statute which limited maximum term of imprisonment became effective before state brought charges but after crime was committed. (Mo.App.) Searcy v. State, 784 S.W.2d 911. (1998) Defendant may be charged under the felony murder statute instead of involuntary manslaughter at the prosecutor's discretion when both apply. State v. Pembleton, 978 S.W.2d 352 (E.D.Mo.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.023 - Voluntary manslaughter, penalty — under influence of sudden passion, defendant's burden to inject.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.023. Voluntary manslaughter, penalty — under influence of sudden passion, defendant's burden to inject. —1. A person commits the offense of voluntary manslaughter if he or she: (1) Causes the death of another person under circumstances that would constitute murder in the second degree under subdivision (1) of subsection 1 of section 565.021, except that he or she caused the death under the influence of sudden passion arising from adequate cause; or (2) Knowingly assists another in the commission of self-murder. 2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of

subsection 1 of this section. 3. The offense of voluntary manslaughter is a class B felony. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.024 - Involuntary manslaughter, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.024. Involuntary manslaughter, first degree, penalty. —1. A person commits the offense of involuntary manslaughter in the first degree if he or she recklessly causes the death of another person. 2. The offense of involuntary manslaughter in the first degree is a class C felony, unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class B felony. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 1986 H.B. 1596, A.L. 1999 S.B. 328, et al., A.L. 2005 H.B. 972 merged with S.B. 37, et al., A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2006 S.B. 872, et al., A.L. 2008 H.B. 1715, A.L. 2014 S.B. 491, A.L. 2017 S.B. 34) (1992) Definition of "person" in section 1.205, RSMo, which includes unborn children is applicable to other statutes and court concludes that it applies at least to this section, the involuntary manslaughter statute. State v. Knapp, 843 S.W.2d 345 (Mo. en banc). (2018) Amended version of section, which repealed provision requiring prisoner to serve a mandatory minimum of eighty-five percent of sentence before becoming parole eligible, was not retroactively applicable to prisoner entering Alford plea under prior version of section. Fields v. Missouri Bd. of Probation and Parole, 559 S.W.3d 12 (Mo.App. W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.027 - Involuntary manslaughter, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.027. Involuntary manslaughter, second degree, penalty. —1. A person commits the offense of involuntary manslaughter in the second degree if he or she acts with criminal negligence to cause the death of any person. 2. The offense of involuntary manslaughter in the second degree is a class E felony, unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. ---------- (L. 2014 S.B. 491, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.029 - Lesser degree offenses in homicide cases — instruction on lesser offenses, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.029. Lesser degree offenses in homicide cases — instruction on lesser offenses, when. —1. With the exceptions provided in subsection 3 of this section and subsection 3 of section 565.021, section 556.046 shall be used for the purpose of consideration of lesser offenses by the trier in all homicide cases. 2. The following lists shall comprise, in the order listed, the lesser degree offenses: (1) The lesser degree offenses of murder in the first degree are: (a) Murder in the second degree under subdivisions (1) and (2) of subsection 1 of section 565.021; (b) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023; (c) Involuntary manslaughter in the first degree; and (d) Involuntary manslaughter in the second degree; (2) The lesser degree offenses of murder in the second degree are: (a) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023; (b) Involuntary manslaughter in the first degree; and (c) Involuntary manslaughter in the second degree. 3. No instruction on a lesser included offense shall be submitted unless requested by one of the parties or the court. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.025; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.030 - Trial procedure, first degree murder.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.030. Trial procedure, first degree murder. —1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases. 2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he finds the defendant to be a prior offender pursuant to chapter 558. 3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed as in all other criminal cases. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases. 4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or

mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the offense upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor: (1) If the trier finds by a preponderance of the evidence that the defendant is intellectually disabled; or (2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or (3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or (4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed. --If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree. 5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's intellectual disability may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section. 6. As used in this section, the terms"intellectual disability"or"intellectually disabled"refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age. 7. The provisions of this section shall only govern offenses committed on or after August 28, 2001. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 1993 H.B. 562, A.L. 2001 S.B. 267, A.L. 2014 H.B. 1064, A.L. 2016 H.B. 2332 merged with S.B. 590) (2003) Allowing trial judge independently to go through four-step process required by subsection 4 of section once jury deadlocked on defendant's punishment violates Ring v. Arizona requirement that the jury rather than the judge determine the facts on which the death penalty is issued. State v. Whitfield, 107 S.W.3d 253 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.032 - Evidence to be considered in assessing punishment in first degree murder cases for which death penalty authorized.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.032. Evidence to be considered in assessing punishment in first degree murder cases for which death penalty authorized. —1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or shall include in his or her instructions to the jury for it to consider: (1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and (2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. --In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he or she considers to be aggravating or mitigating. 2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following: (1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions; (2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide; (3) The offender by his or her act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person; (4) The offender committed the offense of murder in the first degree for himself or herself or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another; (5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty; (6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person; (7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind; (8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his or her official duty; (9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful

confinement; (10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or herself or another; (11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195 or 579; (12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his or her status as a witness or potential witness; (13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his or her official duties, or the murdered individual was an inmate of such institution or facility; (14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance; (15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195 or 579; (16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195 or 579; (17) The murder was committed during the commission of an offense which is part of a pattern of criminal street gang activity as defined in section 578.421. 3. Statutory mitigating circumstances shall include the following: (1) The defendant has no significant history of prior criminal activity; (2) The murder in the first degree was committed while the defendant was under the influence of extreme mental or emotional disturbance; (3) The victim was a participant in the defendant's conduct or consented to the act; (4) The defendant was an accomplice in the murder in the first degree committed by another person and his or her participation was relatively minor; (5) The defendant acted under extreme duress or under the substantial domination of another person; (6) The capacity of the defendant to appreciate the criminality of his or her conduct or to conform his or her conduct to the requirements of law was substantially impaired; (7) The age of the defendant at the time of the offense. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 1989 S.B. 215 & 58, A.L. 1993 H.B. 562, A.L. 2016 H.B. 2332 merged with S.B. 590) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.033 - Person under eighteen, sentencing — factors to be considered, jury instructions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.033. Person under eighteen, sentencing — factors to be considered, jury instructions. —1. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense shall be sentenced to a term of life without eligibility for probation or parole as provided in section 565.034, life imprisonment with eligibility for parole, or not less than thirty years and not to exceed forty years imprisonment. 2. When assessing punishment in all first degree murder cases in which the defendant was under the age of eighteen at the time of the commission of the offense or offenses, the judge in a jury-waived trial shall consider, or the judge shall include in instructions to the jury for it to consider, the following factors: (1) The nature and circumstances of the offense committed by the defendant; (2) The degree of the defendant's culpability in light of his or her age and role in the offense; (3) The defendant's age, maturity, intellectual capacity, and mental and emotional health and development at the time of the offense; (4) The defendant's background, including his or her family, home, and community environment; (5) The likelihood for rehabilitation of the defendant; (6) The extent of the defendant's participation in the offense; (7) The effect of familial pressure or peer pressure on the defendant's actions; (8) The nature and extent of the defendant's prior criminal history, including whether the offense was committed by a person with a prior record of conviction for murder in the first degree, or one or more serious assaultive criminal convictions; (9) The effect of characteristics attributable to the defendant's youth on the defendant's judgment; and (10) A statement by the victim or the victim's family member as provided by section 557.041 until December 31, 2016, and beginning January 1, 2017, section 595.229. ---------- (L. 2016 S.B. 590) Effective 7-13-16

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.034 - Person under eighteen, written notice filed to seek life without parole, procedure — withdrawal — trial procedure — required findings.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.034. Person under eighteen, written notice filed to seek life without parole, procedure — withdrawal — trial procedure — required findings. —1. If the state intends to seek a sentence of life without eligibility for probation or parole for a person charged with murder in the first degree who was under the age of eighteen at the time of the commission of the offense, the state must file with the court and serve upon the person a written notice of intent to seek life without eligibility for probation or parole. This notice shall be provided within one hundred twenty days of the person's arraignment upon an indictment or information charging the person with murder in the first degree. For good cause shown, the court may extend the period for service and filing of the notice. Any notice of intent to seek life without eligibility for probation or parole shall include a listing of the statutory aggravating circumstances, as provided by subsection 6 of this section, upon which the state will rely in seeking that sentence. 2. Notwithstanding any other provisions of law, where the state files a notice of intent to seek life without eligibility for probation or parole pursuant to this section, the defendant shall be entitled to an additional sixty days for the purpose of filing new motions or supplementing pending motions. 3. A notice of intent to seek life without eligibility for probation or parole pursuant to this section may be withdrawn at any time by a written notice of withdrawal filed with the court and served upon the defendant. Once withdrawn, the notice of intent to seek life without eligibility for probation or parole shall not be refiled. 4. After the state has filed a proper notice of intent to seek life without

eligibility for probation or parole pursuant to this section, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the person is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. 5. If the trier at the first stage of the trial finds the person guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. 6. A person found guilty of murder in the first degree who was under the age of eighteen at the time of the commission of the offense is eligible for a sentence of life without eligibility for probation or parole only if a unanimous jury, or a judge in a jury-waived sentencing, finds beyond a reasonable doubt that: (1) The victim received physical injuries personally inflicted by the defendant and the physical injuries inflicted by the defendant caused the death of the victim; and (2) The defendant was found guilty of first degree murder and one of the following aggravating factors was present: (a) The defendant has a previous conviction for first degree murder, assault in the first degree, rape in the first degree, or sodomy in the first degree; (b) The murder was committed during the perpetration of any other first degree murder, assault in the first degree, rape in the first degree, or sodomy in the first degree; (c) The murder was committed as part of an agreement with a third party that the defendant was to receive money or any other thing of monetary value in exchange for the commission of the offense; (d) The defendant inflicted severe pain on the victim for the pleasure of the defendant or for the purpose of inflicting torture; (e) The defendant killed the victim after he or she was bound or otherwise rendered helpless by the defendant or another person; (f) The defendant, while killing the victim or immediately thereafter, purposely mutilated or grossly disfigured the body of the victim by an act or acts beyond that necessary to cause his or her death; (g) The defendant, while killing the victim or immediately thereafter, had sexual intercourse with the victim or sexually violated him or her; (h) The defendant killed the victim for the purposes of causing suffering to a third person; or (i) The first degree murder was committed against a current or former: judicial officer, prosecuting attorney or assistant prosecuting attorney, law enforcement officer, firefighter, state or local corrections officer; or against a witness or potential witness to a past or pending investigation or prosecution, during or because of the exercise of their official duty or status as a witness. ---------- (L. 2016 S.B. 590) Effective 7-13-16

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.035 - Supreme court to review all death sentences, procedure — powers of court — assistant to court authorized, duties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.035. Supreme court to review all death sentences, procedure — powers of court — assistant to court authorized, duties. —1. Whenever the death penalty is imposed in any case, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving the transcript, shall transmit the entire record and transcript to the supreme court together with a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Missouri. 2. The supreme court of Missouri shall consider the punishment as well as any errors enumerated by way of appeal. 3. With regard to the sentence, the supreme court shall determine: (1) Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and (2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in subsection 2 of section 565.032 and any other circumstance found; (3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the offense, the strength of the evidence and the defendant. 4. Both the defendant and the state shall have the right to submit briefs within the time provided by the supreme court, and to present oral argument to the supreme court. 5. The supreme court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the supreme court, with regard to review of death sentences, shall be authorized to: (1) Affirm the sentence of death; or (2) Set the sentence aside and resentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor; or (3) Set the sentence aside and remand the case for retrial of the punishment hearing. A new jury shall be selected or a jury may be waived by agreement of both parties and then the punishment trial shall proceed in accordance with this chapter, with the exception that the evidence of the guilty verdict shall be admissible in the new trial together with the official transcript of any testimony and evidence properly admitted in each stage of the original trial where relevant to determine punishment. 6. There shall be an assistant to the supreme court, who shall be an attorney appointed by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate the records of all cases in which the sentence of death or life imprisonment without probation or parole was imposed after May 26, 1977, or such earlier date as the court may deem appropriate. The assistant shall provide the court with whatever extracted information the court desires with respect thereto, including but not limited to a synopsis or brief of the facts in the record concerning the offense and the defendant. The court shall be authorized to employ an appropriate staff, within the limits of appropriations made for that purpose, and such methods to compile such data as are deemed by the supreme court to be appropriate and relevant to the statutory questions concerning the validity of the sentence. The office of the assistant to the supreme court shall be attached to the office of the clerk of the supreme court for administrative purposes. 7. In addition to the mandatory sentence review, there shall be a right of direct appeal of the conviction to the supreme court of Missouri. This right of appeal may be waived by the defendant. If an appeal is taken, the appeal and the sentence review shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.

---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2014 S.B. 491) Effective 1-01-17 (1995) The word "arbitrary" is to be read narrowly to describe rogue factors like passion and prejudice that a jury should not deliberate upon when it imposes a sentence of death. Oxford v. Delo, 59 F.3d 741 (8th Cir.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.040 - Death penalty, if held unconstitutional, resentencing procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.040. Death penalty, if held unconstitutional, resentencing procedure. —1. In the event that the death penalty provided in this chapter is held to be unconstitutional, any person convicted of murder in the first degree shall be sentenced by the court to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for resentencing or retrial of the punishment pursuant to subsection 5 of section 565.035. 2. In the event that any death sentence imposed pursuant to this chapter is held to be unconstitutional, the trial court which previously sentenced the defendant to death shall cause the defendant to be brought before the court and shall sentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for retrial of the punishment pursuant to subsection 5 of section 565.035. ---------- (L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2016 H.B. 2332 merged with S.B. 590)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.050 - Assault, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.050. Assault, first degree, penalty. —1. A person commits the offense of assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to another person. 2. The offense of assault in the first degree is a class B felony unless in the course thereof the person inflicts serious physical injury on the victim, or if the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: No bail, certain defendants, certain offenses, 544.671

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.052 - Assault, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.052. Assault, second degree, penalty. —1. A person commits the offense of assault in the second degree if he or she: (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or (2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or (3) Recklessly causes serious physical injury to another person; or (4) Recklessly causes physical injury to another person by means of discharge of a firearm. 2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section. 3. The offense of assault in the second degree is a class D felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 1983 S.B. 276, A.L. 1984 S.B. 448 § A, S.B. 602, A.L. 1993 S.B. 180, A.L. 2006 S.B. 872, et al., A.L. 2014 S.B. 491) Transferred 2014; formerly 565.060; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.054 - Assault in the third degree.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.054. Assault in the third degree. —1. A person commits the offense of assault in the third degree if he or she knowingly causes physical injury to another person. 2. The offense of assault in the third degree is a class E felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 1998 H.B. 1918, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.070; Effective 1-01-17 (2015) Offense of third-degree assault is a "nested" lesser included offense within the offense of second-degree assault; therefore, defendant is entitled upon proper request to jury instruction on issue. State v. Randle, 465 S.W.3d 477 (Mo.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.056 - Assault in the fourth degree.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.056. Assault in the fourth degree. —1. A person commits the offense of assault in the fourth degree if: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to another person; (2) With criminal negligence the person causes physical injury to another person by means of a firearm; (3) The person purposely places another person in apprehension of immediate

physical injury; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person; (5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or (6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative. 2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A misdemeanor. 3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is a class C misdemeanor unless the victim is a special victim, as the term "special victim" is defined under section 565.002, in which case a violation of such provisions is a class A misdemeanor. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.058 - Special victims — confidentiality of address or place of residence — use of initials in petition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.058. Special victims — confidentiality of address or place of residence — use of initials in petition. —1. Any special victim as defined under section 565.002 shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue. 2. Any special victim as defined under section 565.002 may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure. ---------- (L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.072 - Domestic assault, first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.072. Domestic assault, first degree — penalty. —1. A person commits the offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a domestic victim, as the term "domestic victim" is defined under section 565.002. 2. The offense of domestic assault in the first degree is a class B felony unless in the course thereof the person inflicts serious physical injury on the victim, in which case it is a class A felony. ---------- (L. 2000 H.B. 1677, et al., A.L. 2007 H.B. 583, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Domestic assault, batterer intervention program ordered, costs, how paid, 595.320

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.073 - Domestic assault, second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.073. Domestic assault, second degree — penalty. —1. A person commits the offense of domestic assault in the second degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she: (1) Knowingly causes physical injury to such domestic victim by any means, including but not limited to, use of a deadly weapon or dangerous instrument, or by choking or strangulation; or (2) Recklessly causes serious physical injury to such domestic victim; or (3) Recklessly causes physical injury to such domestic victim by means of any deadly weapon. 2. The offense of domestic assault in the second degree is a class D felony. ---------- (L. 2000 H.B. 1677, et al., A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371) Effective 1-01-17 CROSS REFERENCE: Domestic assault, batterer intervention program ordered, costs, how paid, 595.320

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.074 - Domestic assault, third degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.074. Domestic assault, third degree — penalty. —1. A person commits the offense of domestic assault in the third degree if he or she attempts to cause physical injury or knowingly causes physical pain or illness to a domestic victim, as the term "domestic victim" is defined under section 565.002. 2. The offense of domestic assault in the third degree is a class E felony. ---------- (L. 2000 H.B. 1677, et al., A.L. 2011 S.B. 320, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Domestic assault, batterer intervention program ordered, costs, how paid, 595.320

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.076 - Domestic assault in the fourth degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.076. Domestic assault in the fourth degree, penalty. —1. A person commits the offense of domestic assault in the fourth degree if the act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and: (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim; (2) With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument; (3) The person purposely places such domestic victim in apprehension of immediate physical injury by any means; (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim; (5) The person knowingly causes physical

contact with such domestic victim knowing he or she will regard the contact as offensive; or (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation. 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of domestic assault, of any assault offense under this chapter, or of any offense against a domestic victim committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state two or more times would be a violation of this section, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims. ---------- (L. 2014 S.B. 491, A.L. 2017 S.B. 34) CROSS REFERENCE: Domestic assault, batterer intervention program ordered, costs, how paid, 595.320

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.079 - Prior and persistent assault offenders — definitions — sentencing — procedure at trial — evidence of prior convictions, proof, how heard — sentencing.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.079. Prior and persistent assault offenders — definitions — sentencing — procedure at trial — evidence of prior convictions, proof, how heard — sentencing. —1. As used in this section, the following terms mean: (1)"Assault offense", the offenses of murder in the first degree, murder in the second degree, voluntary manslaughter, involuntary manslaughter in the first degree, assault in the first degree, assault in the second degree, assault in the third degree, assault in the fourth degree, domestic assault in the first degree, domestic assault in the second degree, domestic assault in the third degree, domestic assault in the fourth degree, or an attempt to commit any of these offenses, or the commission of an offense in another jurisdiction that if committed in this state would constitute the commission of any of the listed offenses; (2)"Persistent assault offender", a person who has been found guilty of two or more assault offenses, where such two or more offenses occurred within ten years of the occurrence of the assault offense for which the person is charged; (3)"Prior assault offender", a person who has been found guilty of one assault offense, where such prior offense occurred within five years of the occurrence of the assault offense for which the person is charged. 2. No court shall suspend the imposition of sentence as to a prior or persistent assault offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months' imprisonment. 3. The court shall find the defendant to be a prior assault offender or persistent assault offender, if: (1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior assault offender or persistent assault offender; and (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior assault offender or persistent assault offender; and (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior assault offender or persistent assault offender. 4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its hearing. 5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing. 6. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings. 7. The defendant may waive proof of the facts alleged. 8. Nothing in this section shall prevent the use of presentence investigations or commitments. 9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence. 10. The findings of guilt shall be prior to the date of commission of the present offense. 11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior assault offenders or persistent assault offenders. 12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. 13. The court shall sentence a person who has been found to be a prior assault offender and is found guilty of a class B, C, or D felony under this chapter to the authorized term of imprisonment for the class one class step higher than the offense for which the person was found guilty. 14. The court shall sentence a person who has been found to be a persistent assault offender and is found guilty of a class C or D felony under this chapter to the authorized term of imprisonment for the class two steps higher than the offense for which the person was found guilty. A person found to be a persistent assault offender who is found guilty of a class B felony shall be sentenced to the authorized term of imprisonment for a class A felony. ---------- (L. 1998 H.B. 1918 §§ 1, 2, B, A.L. 2000 H.B. 1677, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.063; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.090 - Harassment, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.090. Harassment, first degree, penalty. —1. A person commits the offense of harassment in the first degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress. 2. The offense of harassment in the first degree is a class E felony. 3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law. ---------- (L. 1977 S.B. 60, A.L. 2008 S.B. 818 & 795, A.L. 2014 S.B. 491) Effective 1-01-17 (1981)

Statute defining offense of harassment was not unconstitutionally vague, and was not overbroad and did not deny due process. State v. Koetting (Mo.), 616 S.W.2d 822. 1985) Held not unconstitutionally overbroad. The caller's intent to disturb or frighten need not be the sole intent or purpose of the call. State v. Koetting (A.), 691 S.W.2d 328. (1987) Four harassing phone calls made directly to an individual's telephone answering machine falls within the purview of this section. State v. Placke, 733 S.W.2d 847 (Mo.App.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.091 - Harassment, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.091. Harassment, second degree, penalty. —1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person. 2. The offense of harassment in the second degree is a class A misdemeanor, unless the person has previously pleaded guilty to or been found guilty of a violation of this section, of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state would be chargeable or indictable as a violation of any offense listed in this subsection, in which case it is a class E felony. 3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violations of federal, state, county, or municipal law. ---------- (L. 2014 S.B. 491, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.110 - Kidnapping, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.110. Kidnapping, first degree, penalty. —1. A person commits the offense of kidnapping in the first degree if he or she unlawfully removes another person without his or her consent from the place where he or she is found or unlawfully confines another person without his or her consent for a substantial period, for the purpose of: (1) Holding that person for ransom or reward, or for any other act to be performed or not performed for the return or release of that person; or (2) Using the person as a shield or as a hostage; or (3) Interfering with the performance of any governmental or political function; or (4) Facilitating the commission of any felony or flight thereafter; or (5) Inflicting physical injury on or terrorizing the victim or another. 2. The offense of kidnapping in the first degree is a class A felony unless committed under subdivision (4) or (5) of subsection 1 of this section in which cases it is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 2004 H.B. 1487, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Conviction of offense, on release registration requirements and penalty for failure to comply (Megan's Law), 589.400 to 589.426 (1981) Kidnapping and rape were separate offenses and defendant thus was not punished twice for same offense because confinement and movement of victim were not incidental to commission of rape but increased risk of harm and danger to victim. State v. Stewart (A.), 615 S.W.2d 600. (1993) For purposes of definition of "forcible compulsion" in section 556.061, age of victim, relationship to defendant and testimony of victim that defendant guided her head and mouth, or that defendant threatened to ground victim, was not sufficient evidence to establish that victim was in reasonable fear of death, serious physical injury or kidnapping under this section as required by conviction for forcible sodomy under section 566.060, RSMo. State v. Daleske, 866 S.W.2d 476 (Mo. App. W.D.). (1994) Although, under Missouri statute, crime of kidnapping does not require proof of injury and where kidnapping is not intrinsically violent, crime entails serious potential risk of physical injury to another based on requirement that kidnapping be without person's consent; therefore, kidnapping under Missouri law is violent felony for purposes of enhanced sentencing under federal law. United States v. Phelps, 17 F.3d 1334 (10th Cir.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.115 - Child kidnapping — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.115. Child kidnapping — penalty. —1. A person commits the offense of child kidnapping if he or she is not a relative of the child within the third degree and, knowing he or she has no right to do so, removes a child under the age of fourteen without consent of the child's parents or guardian, or confines such child for a substantial period of time without such consent. 2. In determining whether the child was removed or confined unlawfully, it is an affirmative defense that the person reasonably believed that the person's actions were necessary to preserve the child from danger to his or her welfare. 3. The offense of child kidnapping is a class A felony. ---------- (L. 2004 H.B. 1487, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.120 - Kidnapping, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.120. Kidnapping, second degree, penalty. —1. A person commits the offense of kidnapping in the second degree if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty and exposes him or her to a substantial risk of serious physical injury. 2. The offense of kidnapping in the second degree is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.130 - Kidnapping, third degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.130. Kidnapping, third degree, penalty. —1. A person commits the offense of kidnapping in the third degree if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty. 2. The offense of kidnapping in the third degree is a class A misdemeanor unless the person unlawfully restrained is removed from this state, in which case it is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.140 - Defenses to kidnapping in the third degree.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.140. Defenses to kidnapping in the third degree. —1. A person does not commit the offense of kidnapping in the third degree under section 565.130 if the person restrained is a child less than seventeen years of age and: (1) A parent, guardian or other person responsible for the general supervision of the child's welfare has consented to the restraint; or (2) The person is a relative of the child; and (a) The person's sole purpose is to assume control of the child; and (b) The child is not taken out of the state of Missouri. 2. For the purpose of this section,"relative"means a parent or stepparent, ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or adoption. 3. The defendant shall have the burden of injecting the issue of a defense under this section. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.150 - Interference with custody — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.150. Interference with custody — penalty. —1. A person commits the offense of interference with custody if, knowing that he or she has no legal right to do so, he or she takes or entices from legal custody any person entrusted by order of a court to the custody of another person or institution. 2. The offense of interference with custody is a class A misdemeanor unless the person taken or enticed away from legal custody is removed from this state, detained in another state or concealed, in which case it is a class E felony. 3. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child. ---------- (L. 1977 S.B. 60, A.L. 1988 H.B. 1272, et al., A.L. 2014 S.B. 491) Effective 1-01-17 (1984) "Takes...from lawful custody" is construed to include unlawful retention of any person following a period of temporary lawful custody. State v. Edmisten (Mo.App.), 674 S.W.2d 576.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.153 - Parental kidnapping — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.153. Parental kidnapping — penalty. —1. In the absence of a court order determining rights of custody or visitation to a child, a person having a right of custody of the child commits the offense of parental kidnapping if he or she removes, takes, detains, conceals, or entices away that child within or without the state, without good cause, and with the intent to deprive the custody right of another person or a public agency also having a custody right to that child. 2. Parental kidnapping is a class E felony, unless committed by detaining or concealing the whereabouts of the child for: (1) Not less than sixty days but not longer than one hundred nineteen days, in which case, the offense is a class D felony; (2) Not less than one hundred twenty days, in which case, the offense is a class B felony. 3. A subsequently obtained court order for custody or visitation shall not affect the application of this section. 4. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child. ---------- (L. 1988 H.B. 1272, et al. § 2, A.L. 2008 S.B. 714, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.156 - Child abduction — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.156. Child abduction — penalty. —1. A person commits the offense of child abduction if he or she: (1) Intentionally takes, detains, entices, conceals or removes a child from a parent after being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody; or (2) At the expiration of visitation rights outside the state, intentionally fails or refuses to return or impedes the return of the child to the legal custodian in Missouri; or (3) Conceals, detains, or removes the child for payment or promise of payment at the instruction of a person who has no legal right to custody; or (4) Retains in this state for thirty days a child removed from another state without the consent of the legal custodian or in violation of a valid court

order of custody; or (5) Having legal custody of the child pursuant to a valid court order, removes, takes, detains, conceals or entices away that child within or without the state, without good cause, and with the intent to deprive the custody or visitation rights of another person, without obtaining written consent as is provided under section 452.377. 2. The offense of child abduction is a class E felony. 3. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child. ---------- (L. 1988 H.B. 1272, et al. § 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.160 - Defenses to interference with custody, parental kidnapping, and child abduction.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.160. Defenses to interference with custody, parental kidnapping, and child abduction. —It shall be an absolute defense to the offenses of interference with custody, parental kidnapping, and child abduction that: (1) The person had custody of the child pursuant to a valid court order granting legal custody or visitation rights which existed at the time of the alleged violation, except that this defense is not available to persons charged with child abduction under subdivision (5) of subsection 1 of section 565.156; (2) After expiration of a period of custody or visitation granted by court order, the person failed to return the child as a result of circumstances beyond such person's control, and the person notified or made a reasonable attempt to notify the other parent or legal custodian of the child of such circumstance within twenty-four hours after the expiration of the period of custody or visitation and returned the child as soon as possible; or (3) The person was fleeing an incident or pattern of domestic violence. ---------- (L. 1988 H.B. 1272, et al. § 4, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.163 - Venue.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.163. Venue. —Persons accused of committing the offense of interference with custody, parental kidnapping or child abduction may be prosecuted by the prosecuting attorney or circuit attorney: (1) In the county in which the child was taken or enticed away from legal custody; (2) In any county in which the child who was taken or enticed away from legal custody was taken or held by the defendant; (3) The county in which lawful custody of the child taken or enticed away was granted; or (4) The county in which the defendant is found. ---------- (L. 1988 H.B. 1272, et al. § 5, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.167 - Custody of child — peace officer to take child into protective custody, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.167. Custody of child — peace officer to take child into protective custody, when. —1. A peace officer investigating a report of a violation of section 565.150, or section 565.153 or 565.156, may take the child into temporary protective custody if it reasonably appears to the officer that any person unlawfully will flee the jurisdictional territory with the child. 2. If during the course of an investigation under section 565.150, or section 565.153 or 565.156, the child is found in the physical custody of the defendant or another, the law enforcement officer shall return the child to the parent or legal custodian from whom the child was concealed, detained or removed, unless there is good cause for the law enforcement officer to retain temporary protective custody of the child pursuant to section 210.125. ---------- (L. 1988 H.B. 1272, et al. § 7)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.184 - Abuse of an elderly person, a person with disability, or a vulnerable person — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.184. Abuse of an elderly person, a person with disability, or a vulnerable person — penalty. —1. A person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person if he or she: (1) Purposely engages in conduct involving more than one incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person. The course of conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer substantial emotional distress; or (2) Intentionally fails to provide care, goods or services to an elderly person, a person with a disability, or a vulnerable person. The result of the conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer physical or emotional distress; or (3) Knowingly acts or knowingly fails to act in a manner which results in a substantial risk to the life, body or health of an elderly person, a person with a disability, or a vulnerable person. 2. The offense of abuse of an elderly person, a person with a disability, or a vulnerable person is a class A misdemeanor. Nothing in this section shall be construed to mean that an elderly person, a person with a disability, or a vulnerable person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidence by such person's explicit consent, advance directive for health care, or practice. ---------- (L. 1992 S.B. 573 & 634 § 3, A.L. 2007 S.B. 3,

A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.188 - Failure to report elder abuse or neglect — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.188. Failure to report elder abuse or neglect — penalty. —1. A person commits the offense of failure to report elder abuse or neglect if he or she is required to make a report as required under subdivision (2) of subsection 1 of section 192.2405, and knowingly fails to make a report. 2. The offense of failure to report elder abuse or neglect is a class A misdemeanor. ---------- (L. 1992 S.B. 573 & 634 § 5, A.L. 2003 S.B. 556 & 311, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.189 - Filing a false elder abuse or neglect report — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.189. Filing a false elder abuse or neglect report — penalty. —1. A person commits the offense of filing a false elder abuse or neglect report if he or she knowingly files a false report of elder abuse or neglect. 2. The offense of filing a false elder abuse or neglect report is a class A misdemeanor, unless the person has previously been found guilty of making a false report to the department and is subsequently found guilty of making a false report under this section, in which case it is a class E felony. 3. Evidence of prior findings of guilt of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior findings of guilt. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.218 - Failure to report vulnerable person abuse — or neglect — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.218. Failure to report vulnerable person abuse — or neglect — penalty. —1. A person commits the offense of failure to report vulnerable person abuse or neglect if he or she is required to make a report under section 630.162 and knowingly fails to make a report. 2. The offense of knowingly failing to make a report as required in this section is a class A misdemeanor and the offender shall be subject to a fine of up to one thousand dollars, unless the offender has previously been found guilty of failing to make a report as required in this section, in which case the offense is a class E felony and the offender shall be subject to a fine of up to five thousand dollars. Penalties collected for violations of this section shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes. ---------- (L. 2007 S.B. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.222 - Filing a false vulnerable person abuse report — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.222. Filing a false vulnerable person abuse report — penalty. —1. A person commits the offense of filing a false vulnerable person abuse report if he or she knowingly files a false report of vulnerable person abuse or neglect. 2. The offense of filing a false report of vulnerable person abuse or neglect is a class A misdemeanor and the offender shall be subject to a fine of up to one thousand dollars, unless the offender has previously been found guilty of making a false report to the department, in which case the offense is a class E felony and the offender shall be subject to a fine of up to five thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes. 3. Evidence of prior findings of guilt under this section shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior findings of guilt. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.225 - Stalking, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.225. Stalking, first degree, penalty. —1. As used in this section and section 565.227, the term"disturbs"shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed. 2. A person commits the offense of stalking in the first degree if he or she purposely, through his or her course of conduct, disturbs or follows with the intent of disturbing another person and: (1) Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person's family or household members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property; or (2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or (3) At least one of the

actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or (4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person disturbing the other person is twenty-one years of age or older; or (5) He or she has previously been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim; or (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person. 3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section. 4. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law. 5. The offense of stalking in the first degree is a class E felony, unless the defendant has previously been found guilty of a violation of this section or section 565.227, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.227, or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the first degree is a class D felony. ---------- (L. 1993 H.B. 476 & 194 § 1, A.L. 2002 S.B. 969, et al., A.L. 2008 S.B. 818 & 795, A.L. 2014 S.B. 491, A.L. 2016 H.B. 1562, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.227 - Stalking, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.227. Stalking, second degree, penalty. —1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person. 2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law. 3. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section. 4. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.225, or unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case stalking in the second degree is a class E felony. ---------- (L. 2014 S.B. 491, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.240 - Unlawful posting of certain information over the internet, offense of — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.240. Unlawful posting of certain information over the internet, offense of — violation, penalty. —1. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. 2. The offense of unlawful posting of certain information over the internet is a class C misdemeanor, unless the person knowingly posts on the internet the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to cause great bodily harm or death, or threatening to cause great bodily harm or death, in which case it is a class E felony, and if such intention or threat results in bodily harm or death to such person or immediate family member, the offense of unlawful posting of certain information over the internet is a class D felony. ---------- (L. 2005 S.B. 420 & 344 § 1, A.L. 2005 1st Ex. Sess. H.B. 3 § 1, A.L. 2014 S.B. 491, A.L. 2021 S.B. 53 & 60, A.L. 2023 S.B. 103) Transferred 2014; formerly 578.450; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.252 - Invasion of privacy, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.252. Invasion of privacy, penalty. —1. A person commits the offense of invasion of privacy if he or she knowingly: (1) Photographs, films, videotapes, produces, or otherwise creates an image of another person, without the person's consent, while the person is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or (2) Photographs, films, videotapes, produces, or otherwise creates an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent. 2. Invasion of privacy is a class A misdemeanor unless: (1) A person who creates an image in violation of this section distributes the image to another or transmits the image in a manner that allows access to that image via computer; (2) A person disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of this section; (3) More than one person is viewed, photographed, filmed or videotaped during the same course of conduct; or (4) The offense was

committed by a person who has previously been found guilty of invasion of privacy--in which case invasion of privacy is a class E felony. --in which case invasion of privacy is a class E felony. 3. Prior findings of guilt shall be pleaded and proven in the same manner required by the provisions of section 558.021. 4. As used in this section,"same course of conduct"means more than one person has been viewed, photographed, filmed, or videotaped under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times. ---------- (L. 2002 S.B. 969, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.257 - Law enforcement officers viewing or photographing during investigations or in prisons for security not an invasion of privacy.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.257. Law enforcement officers viewing or photographing during investigations or in prisons for security not an invasion of privacy. —The provisions of sections 565.250*to 565.257 shall not apply to: (1) Viewing, photographing or filming by law enforcement officers during a lawful criminal investigation; (2) Viewing, photographing or filming by law enforcement officers or by personnel of the department of corrections or of a local jail or correctional facility for security purposes or during investigation of alleged misconduct by a person in the custody of the department of corrections or the local jail or correctional facility. ---------- (L. 1995 H.B. 160 § 1 subsec. 5) *Section 565.250 was repealed by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.258 - Stop cyberstalking and harassment task force — members, duties — recommendations — annual report — expiration date.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.258. Stop cyberstalking and harassment task force — members, duties — recommendations — annual report — expiration date. —1. There is hereby created the "Stop Cyberstalking and Harassment Task Force" to consist of the following members: (1) The following four members of the general assembly: (a) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority floor leader; and (b) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority floor leader; (2) The director of the department of public safety or his or her designee; (3) A representative of the Missouri highway patrol appointed by the superintendent of the Missouri highway patrol; (4) A representative of the Missouri Association of Prosecuting Attorneys appointed by the president of the Missouri Association of Prosecuting Attorneys; (5) One or more law enforcement officers with experience relating to cyberstalking and harassment appointed by the governor; (6) One or more representatives from a regional cyber crime task force appointed by the governor; (7) A person with experience in training law enforcement on issues of cyberstalking and harassment appointed by the governor; (8) A representative of a statewide coalition against domestic and sexual violence appointed by the governor; (9) A representative of the Missouri safe at home program appointed by the secretary of state; (10) A representative of the judicial branch appointed by the chief justice of the Missouri supreme court; (11) A mental health service provider with experience serving victims or perpetrators of crime appointed by the director of the department of mental health; (12) One representative from elementary and secondary education services with experience educating people about cyberstalking and harassment appointed by the director of the department of elementary and secondary education; (13) One representative from higher education services with experience educating people about cyberstalking and harassment appointed by the director of higher education and workforce development; and (14) One representative with experience in cybersecurity and technology appointed by the director of the office of administration. 2. The task force shall appoint a chairperson who is elected by a majority vote of the members of the task force. The task force shall have an initial meeting before October 1, 2024. The members of the task force shall serve without compensation, but shall be entitled to necessary and actual expenses incurred in attending meetings of the task force. 3. The task force shall collect feedback from stakeholders, which may include, but shall not be limited to, victims, law enforcement, victim advocates, and digital evidence and forensics experts, to inform development of best practices regarding: (1) The treatment of victims of cyberstalking or harassment; and (2) Actions to stop cyberstalking and harassment when it occurs. 4. The task force shall study and make recommendations, including, but not limited to: (1) Whether a need exists for further training for law enforcement relating to cyberstalking and harassment, and if such a need does exist, recommendations on how to best fill the need, whether legislatively or otherwise; (2) Whether a need exists for increased coordination among police departments to address instances of cyberstalking or harassment, and if such a need does exist, recommendations on how to best fill the need, whether legislatively or otherwise; (3) Resources and tools law enforcement may need to identify patterns and collect evidence in cases of cyberstalking or harassment; (4) Whether a need exists for strengthening the rights afforded to victims of cyberstalking or harassment in Missouri law, and if such a need does exist, recommendations on how to best fill the need; (5) Educational and any other resources deemed necessary by the taskforce to educate and inform victims and the public on ways to protect themselves from cyberstalking and harassment; (6) Whether a need exists for increased victim services and training for victim advocates relating to cyberstalking and harassment, and if such a need does exist, recommendations on how to best fill the need, whether legislatively or otherwise. 5. The department of public safety shall provide administrative support to the task force. 6. On or before December thirty-first of each year, the task force shall submit a report on its findings to the governor and the general assembly. 7. The task force shall expire on December 31, 2026, unless extended until December 31, 2028, as determined necessary by the department of public safety. ---------- (L. 2024 S.B. 754, et al.)

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 565 - Offenses Against the PersonSection 565.300 - Infant's protection act — definitions — crime of infanticide — penalty — exception — application of law.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 565 565.300. Infant's protection act — definitions — crime of infanticide — penalty — exception — application of law. —1. This section shall be known and may be cited as the "Infant's Protection Act". 2. As used in this section, and only in this section, the following terms shall mean: (1)"Born", complete separation of an intact child from the mother regardless of whether the umbilical cord is cut or the placenta detached; (2)"Living infant", a human child, born or partially born, who is alive, as determined in accordance with the usual and customary standards of medical practice and is not dead as determined pursuant to section 194.005, relating to the determination of the occurrence of death, and has not attained the age of thirty days post birth; (3)"Partially born", partial separation of a child from the mother with the child's head intact with the torso. If vaginally delivered, a child is partially separated from the mother when the head in a cephalic presentation, or any part of the torso above the navel in a breech presentation, is outside the mother's external cervical os. If delivered abdominally, a child is partially separated from the mother when the child's head in a cephalic presentation, or any part of the torso above the navel in a breech presentation, is outside the mother's external abdominal wall. 3. A person commits the offense of infanticide if he or she causes the death of a living infant with the purpose to cause said death by an overt act performed when the infant is partially born or born. 4. The offense of infanticide is a class A felony. 5. A physician using procedures consistent with the usual and customary standards of medical practice to save the life of the mother during pregnancy or birth or to save the life of any unborn or partially born child of the same pregnancy shall not be criminally responsible under this section. In no event shall the mother be criminally responsible pursuant to this section for the acts of the physician if the physician is not held criminally responsible pursuant to this section. 6. This section shall not apply to any person who performs or attempts to perform a legal abortion if the act that causes the death is performed prior to the child being partially born, even though the death of the child occurs as a result of the abortion after the child is partially born. 7. Only that person who performs the overt act required under subsection 3 of this section shall be culpable under this section, unless a person, with the purpose of committing infanticide, does any act which is a substantial step towards the commission of the offense which results in the death of the living infant. A"substantial step"is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. 8. Nothing in this section shall be interpreted to exclude the defenses otherwise available to any person under the law including defenses provided pursuant to chapters 562 and 563. ---------- (L. 1999 H.B. 427, et al., A.L. 2014 S.B. 491) Effective 1-01-17 (2002) Section does not contain an exception to liability for actions undertaken to preserve the life of the mother, and the culpable mens rea of the physician must begin before performing the procedure rather than during the procedure. State v. Reproductive Health Services, 97 S.W.3d 54 (Mo.App.E.D.). (2004) Section is unconstitutional due to absence of exception to protect health of the pregnant woman, as enunciated by United States Supreme Court in Stenberg v. Carhart, 530 U.S. 914 (2000). Reproductive Health Services of Planned Parenthood v. Nixon, 325 F.Supp.2d 991 (W.D.Mo.), aff'd., 429 F.3d 803 (8th Cir.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.010 - Chapter 566 and chapter 568 definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.010. Chapter 566 and chapter 568 definitions. —As used in this chapter and chapter 568, the following terms mean: (1)"Aggravated sexual offense", any sexual offense, in the course of which, the actor: (a) Inflicts serious physical injury on the victim; (b) Displays a deadly weapon or dangerous instrument in a threatening manner; (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person; (d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections; (e) Commits the offense as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity; or (f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard to legitimacy, the actor's: a. Ancestor or descendant by blood or adoption; b. Stepchild while the marriage creating that relationship exists; c. Brother or sister of the whole or half blood; or d. Uncle, aunt, nephew, or niece of the whole blood; (2)"Commercial sex act", any sex act on account of which anything of value is given to or received by any person; (3)"Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim; (4)"Forced labor", a condition of servitude induced by means of: (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or (b) The abuse or threatened abuse of the legal process; (5)"Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact; (6)"Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen,

seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim; (7)"Sexual intercourse", any penetration, however slight, of the female genitalia by the penis. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 341, A.L. 1991 H.B. 566, A.L. 1994 S.B. 693, A.L. 2000 S.B. 757 & 602, A.L. 2002 S.B. 969, et al., A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491, A.L. 2017 S.B. 34, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.020 - Mistake as to age — consent not a defense, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.020. Mistake as to age — consent not a defense, when. —1. Whenever in this chapter the criminality of conduct depends upon a child being less than fourteen years of age, it is no defense that the defendant believed the child to be older. 2. Whenever in this chapter the criminality of conduct depends upon a child being less than seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older. 3. Consent is not a defense to any offense under this chapter if the alleged victim is less than fourteen years of age. ---------- (L. 1977 S.B. 60, A.L. 1994 S.B. 693, A.L. 2006 H.B. 1698, et al., A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.023 - Marriage to victim, at time of offense, affirmative defense, for certain offenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.023. Marriage to victim, at time of offense, affirmative defense, for certain offenses. —It shall be an affirmative defense to prosecutions under sections 566.032, 566.034, 566.062, 566.064, and 566.071, that the defendant was married to the victim at the time of the offense. ---------- (L. 1994 S.B. 693, A.L. 1998 H.B. 1918, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.025 - Evidence that defendant has committed other charged and uncharged crimes of a sexual nature involving victims under fourteen admissible to prove propensity to commit crime, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.025. Evidence that defendant has committed other charged and uncharged crimes of a sexual nature involving victims under fourteen admissible to prove propensity to commit crime, when. —In prosecutions pursuant to this chapter or chapter 568 of a sexual nature involving a victim under fourteen years of age, whether or not age is an element of the crime for which the defendant is on trial, evidence that the defendant has committed other charged or uncharged crimes of a sexual nature involving victims under fourteen years of age shall be admissible for the purpose of showing the propensity of the defendant to commit the crime or crimes with which he or she is charged unless the trial court finds that the probative value of such evidence is outweighed by the prejudicial effect. ---------- (L. 1994 S.B. 693, A.L. 2000 S.B. 757 & 602) (1998) Section was ruled unconstitutional because it violated Sections 17 and 18(a) of Article I of the Missouri Constitution by allowing uncharged conduct to be introduced for the purpose of showing a propensity to commit a crime. State v. Burns, 978 S.W.2d 759 (Mo.banc). (2007) Section as amended in 2000 still violates state constitutional provisions; evidence of prior criminal acts is never admissible for purpose of demonstrating defendant's propensity to commit the crime presently charged. State v. Ellison, 239 S.W.3d 603 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.030 - Rape in the first degree, penalties — suspended sentences not granted, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.030. Rape in the first degree, penalties — suspended sentences not granted, when. —1. A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. 2. The offense of rape in the first degree or an attempt to commit rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless: (1) The offense is an aggravated sexual offense, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years; (2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section; (3) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such rape in the first degree is described under subdivision (4) of this subsection; or (4) The victim is a child less than twelve years of age and such rape in the first degree or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release. 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of rape in the first degree or attempt to commit rape in the first degree when the victim is less than twelve years of age, and"life imprisonment"shall mean imprisonment for the duration of a person's natural life for

the purposes of this section. 4. No person found guilty of rape in the first degree or an attempt to commit rape in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence. ---------- (L. 1977 S.B. 60, A.L. 1980 H.B. 1138, et al., A.L. 1990 H.B. 1370, et al., A.L. 1993 S.B. 180, A.L. 1994 S.B. 693, A.L. 1998 H.B. 1779, A.L. 2006 H.B. 1698, et al., A.L. 2009 S.B. 36 & 112, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCES: Child abuse, definitions, actions for civil damages may be brought, when, 537.046 No bail, certain defendants, certain offenses, 544.671 Victim or witness in rape case not to be interrogated as to prior sexual conduct, when, 491.015 (1989) Use of weapon not required to prove charge of felonious restraint. Threat of injury from weapon is sufficient to substantiate the charge. (Mo.App.) State v. Brigman, 784 S.W.2d 217. (1992) Pursuant to section 1.030, RSMo, use of word "he" includes both male and female and because section encompasses the conduct of males and females, there is no violation of the equal protection clauses of the United States or Missouri Constitutions. State v. Stokely, 842 S.W.2d 77 (Mo. en banc). (1997) Female can be held guilty of rape where she aids a male in committing the rape, even though she cannot commit a rape individually. Bass v. State, 950 S.W.2d 940 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.031 - Rape in the second degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.031. Rape in the second degree, penalties. —1. A person commits the offense of rape in the second degree if he or she has sexual intercourse with another person knowing that he or she does so without that person's consent. 2. The offense of rape in the second degree is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 1994 S.B. 693, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 Transferred 2013, formerly 566.040 CROSS REFERENCE: Child abuse, definitions, actions for civil damages may be brought, when, 537.046

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.032 - Statutory rape and attempt to commit, first degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.032. Statutory rape and attempt to commit, first degree, penalties. —1. A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age. 2. The offense of statutory rape in the first degree or an attempt to commit statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless: (1) The offense is an aggravated sexual offense, or the victim is less than twelve years of age in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or (2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section. ---------- (L. 1994 S.B. 693, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.034 - Statutory rape, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.034. Statutory rape, second degree, penalty. —1. A person commits the offense of statutory rape in the second degree if being twenty-one years of age or older, he or she has sexual intercourse with another person who is less than seventeen years of age. 2. The offense of statutory rape in the second degree is a class D felony. ---------- (L. 1994 S.B. 693, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.060 - Sodomy in the first degree, penalties — suspended sentence not granted, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.060. Sodomy in the first degree, penalties — suspended sentence not granted, when. —1. A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse. 2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless: (1) The offense is an aggravated sexual offense, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; (2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section; (3) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy in the first degree is described under subdivision (4) of this subsection; or (4) The victim is a child less than twelve years of age and such sodomy in the first degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release. 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree when the victim is less than twelve years of age, and"life imprisonment"shall mean imprisonment

for the duration of a person's natural life for the purposes of this section. 4. No person found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence. ---------- (L. 1977 S.B. 60, A.L. 1980 H.B. 1138, et al., A.L. 1990 H.B. 1370, et al., A.L. 1994 S.B. 693, A.L. 1998 H.B. 1779, A.L. 2006 H.B. 1698, et al., A.L. 2009 S.B. 36 & 112, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Child abuse definitions, actions for civil damages may be brought, when, 537.046 (1993) For purposes of definition of "forcible compulsion" in section 556.061, RSMo, age of victim, relationship to defendant and testimony of victim that defendant guided her head and mouth, or that defendant threatened to ground victim, was not sufficient evidence to establish that victim was in reasonable fear of death, serious physical injury or kidnapping as required by conviction for forcible sodomy under this section. State v. Daleske, 866 S.W.2d 476 (Mo. App. W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.061 - Sodomy in the second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.061. Sodomy in the second degree, penalty. —1. A person commits the offense of sodomy in the second degree if he or she has deviate sexual intercourse with another person knowing that he or she does so without that person's consent. 2. The offense of sodomy in the second degree is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 1994 S.B. 693, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 Transferred 2013; formerly 566.070 CROSS REFERENCE: Child abuse, definitions, actions for civil damages may be brought, when, 537.046

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.062 - Statutory sodomy and attempt to commit, first degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.062. Statutory sodomy and attempt to commit, first degree, penalties. —1. A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age. 2. The offense of statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless: (1) The offense is an aggravated sexual offense or the victim is less than twelve years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or (2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section. ---------- (L. 1994 S.B. 693, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.064 - Statutory sodomy, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.064. Statutory sodomy, second degree, penalty. —1. A person commits the offense of statutory sodomy in the second degree if being twenty-one years of age or older, he or she has deviate sexual intercourse with another person who is less than seventeen years of age. 2. The offense of statutory sodomy in the second degree is a class D felony. ---------- (L. 1994 S.B. 693, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.067 - Child molestation, first degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.067. Child molestation, first degree, penalties. —1. A person commits the offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense. 2. The offense of child molestation in the first degree is a class A felony and, if the victim is a child less than twelve years of age, the person shall serve his or her term of imprisonment without eligibility for probation, parole, or conditional release. ---------- (L. 1994 S.B. 693, A.L. 2000 S.B. 757 & 602, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Child, genital mutilation of a female child, crime, penalty, defenses, 568.065

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.068 - Child molestation, second degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.068. Child molestation, second degree, penalties. —1. A person commits the offense of child molestation in the second degree if he or she: (1) Subjects a child who is less than twelve years of age to sexual contact; or (2) Being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact and the offense is an aggravated sexual offense. 2. The offense of child molestation in the second degree is a class B felony. ---------- (L. 1994 S.B. 693, A.L. 2000 S.B. 757 & 602, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Child, genital mutilation of a female child, crime, penalty, defenses, 568.065

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.069 - Child molestation, third degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.069. Child molestation, third degree, penalty. —1. A person commits the offense of child molestation in the third degree if he or she subjects a child who is less than fourteen years of age to sexual contact. 2. The offense of child molestation in the third degree is a class C felony, unless committed by the use of forcible compulsion, in which case it is a class B felony. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.071 - Child molestation, fourth degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.071. Child molestation, fourth degree, penalty. —1. A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact. 2. The offense of child molestation in the fourth degree is a class E felony. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.083 - Sexual misconduct involving a child, penalty — applicability of section — affirmative defense not allowed, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.083. Sexual misconduct involving a child, penalty — applicability of section — affirmative defense not allowed, when. —1. A person commits the offense of sexual misconduct involving a child if such person: (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child; (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; (3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or (4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child. 2. The provisions of this section shall apply regardless of whether the person violates this section in person or via the internet or other electronic means. 3. It is not a defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor. 4. The offense of sexual misconduct involving a child is a class E felony unless the person has previously been found guilty of an offense under this chapter or the person has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter, in which case it is a class D felony. ---------- (L. 1997 S.B. 56, A.L. 2004 H.B. 1055, A.L. 2005 H.B. 353 merged with H.B. 972, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2012 S.B. 628, A.L. 2014 S.B. 491) Effective 1-01-17 (2013) Section is not unconstitutionally overbroad under the First Amendment. State v. Jeffrey, 400 S.W.3d 303 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.086 - Sexual contact with a student.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.086. Sexual contact with a student. —1. A person commits the offense of sexual contact with a student if he or she has sexual contact with a student of the school and is: (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104; (2) A student teacher; (3) An employee of the school; (4) A volunteer of the school or of an organization working with the school on a project or program who is not a student at the school; (5) An elected or appointed official of the school district; (6) A person employed by an entity that contracts with the school or school district to provide services; or (7) A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association. For purposes of this subdivision,"school-aged team, club, or ensemble"means any group organized for individual or group competition for the performance of sports activities or any group organized for individual or group presentation for fine or performing arts, by any child under eighteen years of age. 2. For the purposes of this section,"school"shall mean any public or private school in this state serving kindergarten through grade twelve or any school bus used by the school district. 3. The offense of sexual contact with a student is a class E felony. 4. It is not a defense to prosecution for a violation of this section that the student consented to the sexual contact. ---------- (L. 2005 H.B. 353, A.L. 2006 H.B. 1698, et al., A.L. 2011 H.B. 111, A.L. 2014 S.B. 491, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.093 - Sexual misconduct, first degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.093. Sexual

misconduct, first degree, penalties. —1. A person commits the offense of sexual misconduct in the first degree if such person: (1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; (2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person. 2. The offense of sexual misconduct in the first degree is a class B misdemeanor unless the person has previously been found guilty of an offense under this chapter, or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter, in which case it is a class A misdemeanor. ---------- (L. 1994 S.B. 693, A.L. 2004 H.B. 1055, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.095 - Sexual misconduct, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.095. Sexual misconduct, second degree, penalty. —1. A person commits the offense of sexual misconduct in the second degree if he or she solicits or requests another person to engage in sexual conduct under circumstances in which he or she knows that such request or solicitation is likely to cause affront or alarm. 2. The offense of sexual misconduct in the second degree is a class C misdemeanor. ---------- (L. 1994 S.B. 693, A.L. 2013 H.B. 215) (2002) Section does not violate the constitutional guarantee of freedom of speech. State v. Moore, 90 S.W.3d 64 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.100 - Sexual abuse in the first degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.100. Sexual abuse in the first degree, penalties. —1. A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. 2. The offense of sexual abuse in the first degree is a class C felony unless the victim is less than fourteen years of age, or it is an aggravated sexual offense, in which case it is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 1990 H.B. 1370, et al., A.L. 1991 H.B. 566, A.L. 1994 S.B. 693, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Child abuse, definitions, actions for civil damages may be brought, when, 537.046 (1981) Offenses of sexual abuse in the first, second, and third degree may be, but are not necessarily, lesser included offenses under sodomy statute and deviate sexual assault statutes. State v. Gibson (Mo.App.), 623 S.W.2d 93.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.101 - Sexual abuse, second degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.101. Sexual abuse, second degree, penalties. —1. A person commits the offense of sexual abuse in the second degree if he or she purposely subjects another person to sexual contact without that person's consent. 2. The offense of sexual abuse in the second degree is a class A misdemeanor, unless it is an aggravated sexual offense, in which case it is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 1994 S.B. 693, A.L. 2002 S.B. 969, et al., A.L. 2006 H.B. 1698, et al., A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 Transferred 2013; formerly 566.090 CROSS REFERENCE: Child abuse, definitions, actions for civil damages may be brought, when, 537.046

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.103 - Crime of promoting online sexual solicitation, violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.103. Crime of promoting online sexual solicitation, violation, penalty. —1. A person or entity commits the offense of promoting online sexual solicitation if such person or entity knowingly permits a web-based classified service owned or operated by such person or entity to be used by individuals to post advertisements promoting prostitution, enticing a child to engage in sexual conduct, or promoting sexual trafficking of a child after receiving notice under this section. 2. As used in this section, the term"web-based classified service"means a person or entity in whose name a specific URL or internet domain name is registered which has advertisements for goods and services or personal advertisements. 3. An advertisement may be deemed to promote prostitution, entice a child to engage in sexual conduct, or promote sexual trafficking of a child, if the content of such advertisement would be interpreted by a reasonable person as offering to exchange sexual conduct for goods or services in violation of chapter 567, as seeking a child for the purpose of sexual conduct or commercial sex act, or as offering a child as a participant in sexual conduct or commercial sex act in violation of section 566.151,*566.210**, or 566.211**. 4. It shall be prima facie evidence that a person or entity acts knowingly if an advertisement is not removed from the web-based classified service within seventy-two hours of that person or entity being notified that an advertisement has been posted on that service which is prohibited under this section. 5. Notice under this section may be provided by certified mail or facsimile transmission by the attorney general or any prosecuting attorney or circuit attorney. 6. A violation of this section shall be a felony, punishable by a fine in the amount of five thousand dollars per day that the advertisement remains posted on the web-based classified service after seventy-two hours of when notice has been provided pursuant to this

section. 7. Original jurisdiction for prosecution of a violation of this section shall be with the local prosecuting attorney or circuit attorney. ---------- (L. 2009 H.B. 62 § 3) *Words "or sections" appear in original rolls. **Section 566.212 was transferred to section 566.211 and section 566.213 was transferred to section 566.210 by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.111 - Sex with an animal, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.111. Sex with an animal, penalties. —1. A person commits the offense of sex with an animal if he or she engages in sexual conduct with an animal. 2. The offense of sex with an animal is a class A misdemeanor unless the person has previously been found guilty of an offense under this section or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this section, in which case the offense is a class E felony. 3. In addition to any penalty imposed or as a condition of probation the court may: (1) Prohibit the offender from harboring animals or residing in any household where animals are present during the period of probation; or (2) Order all animals in the offender's possession subject to a civil forfeiture action under chapter 513; or (3) Order psychological evaluation and counseling of the offender at the offender's expense. 4. Nothing in this section shall be construed to prohibit generally accepted animal husbandry, farming and ranching practices or generally accepted veterinary medical practices. 5. For purposes of this section, the following terms mean: (1)"Animal", every creature, either alive or dead, other than a human being; (2)"Sexual conduct with an animal", any touching of an animal with the genitals or any touching of the genitals or anus of an animal for the purpose of arousing or gratifying the person's sexual desire. ---------- (L. 2002 S.B. 969, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.115 - Sexual conduct with a nursing facility resident or a vulnerable person, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.115. Sexual conduct with a nursing facility resident or a vulnerable person, first degree, penalty. —1. A person commits the offense of sexual conduct with a nursing facility resident or vulnerable person in the first degree if he or she: (1) Being an owner or employee of a skilled nursing facility, as defined in section 198.006, or an Alzheimer's special care unit or program, as defined in section 198.505, has sexual intercourse or deviate sexual intercourse with a resident; or (2) Being a vender, provider, agent, or employee of a certified program operated, funded, licensed, or certified by the department of mental health, has sexual intercourse or deviate sexual intercourse with a vulnerable person. 2. The offense of sexual conduct with a nursing facility resident or vulnerable person in the first degree is a class A misdemeanor. Any second or subsequent violation of this section is a class E felony. 3. The provisions of this section shall not apply to any person who is married to the resident or vulnerable person. 4. Consent of the victim is not a defense to a prosecution under this section. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.116 - Sexual conduct with a nursing facility resident or a vulnerable person, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.116. Sexual conduct with a nursing facility resident or a vulnerable person, second degree, penalty. —1. A person commits the offense of sexual conduct with a nursing facility resident or vulnerable person in the second degree if he or she: (1) Being an owner or employee of a skilled nursing facility as defined in section 198.006, or an Alzheimer's special care unit program as defined in section 198.505, has sexual contact with a resident; or (2) Being a vender, provider, agent, or employee of a certified program operated, funded, licensed, or certified by the department of mental health, has sexual contact with a vulnerable person. 2. The offense of sexual conduct with a nursing facility resident or vulnerable person in the second degree is a class B misdemeanor. Any second or subsequent violation of this section is a class A misdemeanor. 3. The provisions of this section shall not apply to any person who is married to the resident or vulnerable person. 4. Consent of the victim is not a defense to a prosecution pursuant to this section. ---------- (L. 2002 S.B. 969, et al., A.L. 2014 S.B. 491) Transferred 2014; formerly 565.200; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.125 - Persistent sexual offender, predatory sexual offender, defined, extension of term, when, minimum term.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.125. Persistent sexual offender, predatory sexual offender, defined, extension of term, when, minimum term. —1. The court shall sentence a person to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and has been found guilty of attempting to commit or committing the following offenses: (1) Statutory rape in the first degree or statutory sodomy in the first degree; (2) Rape in the first degree or sodomy in the first degree; (3) Forcible rape; (4) Forcible sodomy; (5) Rape; (6) Sodomy. 2. A"persistent sexual offender"is one who has previously been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section or one who has previously been found guilty of an offense in any other jurisdiction which would constitute any of the offenses listed in subsection 1 of this section. 3. The term of imprisonment for one found to be a persistent

sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and"imprisonment for life"shall mean imprisonment for the duration of the person's natural life. 4. The court shall sentence a person to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing child molestation in the first or second degree or sexual abuse when classified as a class B felony. 5. For purposes of this section, a"predatory sexual offender"is a person who: (1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first or second degree, or sexual abuse when classified as a class B felony; or (2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or (3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts. 6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole. 7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who: (1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section shall be any number of years but not less than thirty years; (2) Has previously been found guilty of child molestation in the first or second degree, or sexual abuse when classified as a class B felony and is found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section shall be any number of years but not less than fifteen years; (3) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first or second degree, or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years; (4) Has previously been found guilty of child molestation in the first degree or second degree, or sexual abuse when classified as a class B felony, and is found guilty of child molestation in the first or second degree, or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years; (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender. 8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender. ---------- (L. 1980 H.B. 1138, et al., A.L. 1990 H.B. 974, A.L. 1994 S.B. 693, A.L. 1996 H.B. 974, A.L. 2006 H.B. 1698, et al., A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Transferred 2014; formerly 558.018; Effective 1-01-17 (2010) Violation of Eighth Amendment to U.S. Constitution for juvenile offender to be sentenced to life without parole for nonhomicide offense. Graham v. Florida, 560 U.S. 48.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.145 - Sexual conduct in the course of public duty, offense of — definitions — violation, penalty — consent not a defense.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.145. Sexual conduct in the course of public duty, offense of — definitions — violation, penalty — consent not a defense. —1. A person commits the offense of sexual conduct in the course of public duty if the person engages in sexual conduct: (1) With a detainee, a prisoner, or an offender and the person: (a) Is an employee of, or assigned to work in, any jail, prison or correctional facility and engages in sexual conduct with a prisoner or an offender who is confined in a jail, prison, or correctional facility; (b) Is a probation and parole officer and engages in sexual conduct with an offender who is under the direct supervision of the officer; or (c) Is a law enforcement officer and engages in sexual conduct with a detainee or prisoner who is in the custody of such officer; or (2) With someone who is not a detainee, a prisoner, or an offender and the person is: (a) A probation and parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility; (b) On duty; and (c) The offense was committed by means of coercion as defined in section 566.200. 2. For the purposes of this section the following terms shall mean: (1)"Detainee", a person deprived of liberty and kept under involuntary restraint, confinement, or custody; (2)"Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the division of probation and parole; (3)"Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge. 3. The offense of sexual conduct in the course of public duty is a class E felony. 4. Consent of a detainee, a prisoner, an offender, or any other person is not a defense. ---------- (L. 2002 S.B. 969, et al., A.L. 2006 H.B. 1698, et al., A.L. 2009 H.B. 747, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.147 - Certain offenders not to reside within one thousand feet of a property line of a school, child care facility, or victim's residence — violations, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.147. Certain

offenders not to reside within one thousand feet of a property line of a school, child care facility, or victim's residence — violations, penalties. —1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of: (1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or (2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; --shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location. Such person shall also not reside within one thousand feet of the property line of the residence of a former victim of such person. 2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, or a former victim subsequently resides on property with a property line within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, or the former victim residing on the property, notify the county sheriff where such public school, private school, child care facility, or residence of a former victim is located that he or she is now residing within one thousand feet of such public school, private school, child care facility, or property line of the residence of a former victim, and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility, or the former victim residing on the property. 3. For purposes of this section,"resides"means sleeps in a residence, which may include more than one location and may be mobile or transitory, but shall not include transitory or longer term presence in facilities licensed under chapters 197 and 198 for purposes of receiving care, treatment, or services from such licensed facility. 4. For the purposes of the section, one thousand feet shall be measured from the edge of the offender's property nearest the public school, private school, child care facility, or former victim to the nearest edge of the public school, private school, child care facility, or former victim's property. 5. Violation of the provisions of subsection 1 of this section is a class E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E felony. ---------- (L. 2004 H.B. 1055, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2011 H.B. 111 merged with S.B. 250, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2018 H.B. 1355, A.L. 2019 H.B. 397) Effective 7-11-19 (2021) Statutorily prescribed distance between a school and the location of sex offender's residence is measured from property line to property line. State v. McCord, 621 S.W.3d 496 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.148 - Certain offenders not to physically be present or loiter within five hundred feet of a child care facility — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.148. Certain offenders not to physically be present or loiter within five hundred feet of a child care facility — violation, penalty. —1. Any person who has been found guilty of: (1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or (2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;--shall not knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds. --shall not knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds. 2. For purposes of this section,"child care facility"shall include any child care facility licensed under chapter 210, or any child care facility that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility. 3. Violation of the provisions of this section is a class A misdemeanor. ---------- (L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.149 - Certain offenders not to be present within five hundred feet of school property, exception

— permission required for parents or guardians who are offenders, procedure — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.149. Certain offenders not to be present within five hundred feet of school property, exception — permission required for parents or guardians who are offenders, procedure — penalty. —1. Any person who has been found guilty of: (1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.037, possession of child pornography; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or (2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; --shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section. 2. No parent, legal guardian, or custodian who has been found guilty of violating any of the offenses listed in subsection 1 of this section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board, or in the case of a private school from the principal for more than one event at a time, such as a series of events, however, the parent, legal guardian, or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted. 3. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this section is a class A misdemeanor. ---------- (L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.150 - Certain offenders not to be present or loiter within five hundred feet of a public park, swimming pool, athletic complex, museum, or nature center — violation, penalty — exception for nature or education center, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.150. Certain offenders not to be present or loiter within five hundred feet of a public park, swimming pool, athletic complex, museum, or nature center — violation, penalty — exception for nature or education center, when. —1. Any person who has been found guilty of: (1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic material to minors; or (2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; --shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment, a public swimming pool, athletic complex or athletic fields if such facilities exist for the primary use of recreation for children, any museum if such museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under eighteen years of age, or Missouri department of conservation nature or education center properties. 2. The first violation of the provisions of this section is a class E felony. 3. A second or subsequent violation of this section is a class D felony. 4. Any person who has been found guilty of an offense under subdivision (1) or (2) of subsection 1 of this section who is the parent, legal guardian, or custodian of a child under the age of eighteen attending a program on the property of a nature or education center of the Missouri department of conservation may receive permission from the nature or education center manager to be present on the property with the child during the program. ---------- (L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2017 S.B. 34 merged with S.B. 160, A.L. 2021 H.B. 432, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.151 - Enticement of a child, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.151. Enticement of a child, penalties. —1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than fifteen years of age for the purpose of engaging in sexual conduct. 2. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor. 3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole,

probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years. ---------- (L. 2002 S.B. 969, et al., A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.153 - Age misrepresentation with intent to solicit a minor, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.153. Age misrepresentation with intent to solicit a minor, penalty. —1. A person commits the offense of age misrepresentation with intent to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use the internet or any electronic communication to engage in criminal sexual conduct involving a minor. 2. The offense of age misrepresentation with intent to solicit a minor is a class E felony. ---------- (L. 2008 S.B. 714, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.155 - Certain offenders not to serve as athletic coaches, managers, or trainers — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.155. Certain offenders not to serve as athletic coaches, managers, or trainers — violation, penalty. —1. Any person who has been found guilty of: (1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.037, possession of child pornography; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or (2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; --shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member or shall not supervise or employ any child under eighteen years of age. 2. The first violation of the provisions of this section is a class E felony. 3. A second or subsequent violation of this section is a class D felony. ---------- (L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.200 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.200. Definitions. —As used in sections 566.200 to 566.218 and section 578.475*, the following terms shall mean: (1)"Basic rights information", information applicable to a noncitizen, including but not limited to information about human rights, immigration, emergency assistance and resources, and the legal rights and resources for victims of domestic violence; (2)"Blackmail", any threat to reveal damaging or embarrassing information about a person to that person's spouse, family, associates, or the public at large, including a threat to expose any secret tending to subject any person to hatred, contempt, or ridicule; (3)"Client", a person who is a resident of the United States and the state of Missouri and who contracts with an international marriage broker to meet recruits; (4)"Coercion": (a) Threats of serious harm to or physical restraint against any person; (b) Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (c) The abuse or threatened abuse of the legal process; (5)"Commercial sex act", any sex act on account of which anything of value is given to, promised, or received by any person; (6)"Criminal history record information", criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation; (7)"Financial harm", detriment, injury, or loss of a financial nature, including credit extortion, criminal violation of the usury laws under chapter 408, or employment contracts that violate the statute of frauds provisions under chapter 432; (8)"International marriage broker": (a) A corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States or any other state, that charges fees to residents of Missouri for providing dating, matrimonial, or social referrals or matching services between United States citizens or residents and nonresident aliens by providing information or a forum that would permit individuals to contact each other. Such contact shall include, but is not limited to: a. Providing the name, telephone number, postal address, electronic mail address, or voice message mailbox of an individual, or otherwise facilitating communication between individuals; or b. Providing an opportunity for an in-person meeting; (b) Such term shall not include: a. A traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States; b. An entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender or country of citizenship or residence of the individual; or c. An organization that does not charge a fee to any party for the services provided; (9)"Involuntary servitude or forced labor", a condition of servitude induced by means of: (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer serious physical injury or physical restraint; or (b) The abuse or threatened abuse of the legal process; (10)"Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international marriage broker; (11)"Nudity", the showing of the human male or female genitals, pubic area, vulva, anus, or any part of the nipple or areola of the female breast; (12)"Peonage",

illegal and involuntary servitude in satisfaction of debt; (13)"Recruit", a noncitizen, nonresident recruited by an international marriage broker for the purpose of providing dating, matrimonial, or social referral services; (14)"Sexual conduct", sexual intercourse as defined in section 566.010; deviate sexual intercourse as defined in section 566.010; actual or simulated acts of human masturbation; physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification; (15)"Sexual performance", any play, motion picture, still picture, film, videotape, video recording, dance, or exhibition which includes sexual conduct or nudity, performed before an audience of one or more, whether in person or online or through other forms of telecommunication; (16)"Victim of trafficking", a person who is a victim of offenses under section 566.203, 566.206, 566.209, 566.210**, or 566.211**. ---------- (L. 2004 H.B. 1487, A.L. 2005 H.B. 353, A.L. 2011 H.B. 214) *Section 566.221 was transferred to section 578.475 by S.B. 491, 2014, effective 1-01-17. **Section 566.212 was transferred to section 566.211 and section 566.213 was transferred to section 566.210 by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.203 - Abusing an individual through forced labor — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.203. Abusing an individual through forced labor — penalty. —1. A person commits the offense of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person: (1) By causing or threatening to cause serious physical injury to any person; (2) By physically restraining or threatening to physically restrain another person; (3) By blackmail; (4) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer serious physical injury, physical restraint, or financial harm; or (5) By means of the abuse or threatened abuse of the law or the legal process. 2. A person who is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless such person is otherwise required to register pursuant to the provisions of such section. 3. The offense of abuse through forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony, or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, it shall be punishable for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars. ---------- (L. 2004 H.B. 1487, A.L. 2011 H.B. 214, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.206 - Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.206. Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor — penalty. —1. A person commits the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for labor or services, for the purposes of slavery, involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving anything of value, from participation in such activities. 2. A person who is found guilty of the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless he or she is otherwise required to register pursuant to the provisions of such section. 3. Except as provided in subsection 4 of this section, the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. 4. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when the sexual abuse attempted is punishable as a class B felony, or an attempt to kill, it shall be punishable by imprisonment for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars. ---------- (L. 2004 H.B. 1487, A.L. 2011 H.B. 214, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.209 - Trafficking for the purpose of sexual exploitation — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.209. Trafficking for the purpose of sexual exploitation — penalty. —1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, entices, harbors, transports, provides, advertises the availability of or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities. 2. The crime of trafficking

for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars. ---------- (L. 2004 H.B. 1487, A.L. 2011 H.B. 214, A.L. 2014 S.B. 491, A.L. 2016 H.B. 1562) Effective 1-01-2017

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.210 - Sexual trafficking of a child, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.210. Sexual trafficking of a child, first degree, penalty. —1. A person commits the offense of sexual trafficking of a child in the first degree if he or she knowingly: (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; (2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or (3) Advertises the availability of a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010. 2. It shall not be a defense that the defendant believed that the person was twelve years of age or older. 3. The offense of sexual trafficking of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual trafficking of a child less than twelve years of age, and"life imprisonment"shall mean imprisonment for the duration of a person's natural life for the purposes of this section. ---------- (L. 2006 H.B. 1698, et al., A.L. 2011 H.B. 214, A.L. 2014 S.B. 491, A.L. 2016 H.B. 1562) Transferred 2014; formerly 566.213; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.211 - Sexual trafficking of a child, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.211. Sexual trafficking of a child, second degree, penalty. —1. A person commits the offense of sexual trafficking of a child in the second degree if he or she knowingly: (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or (3) Advertises the availability of a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010. 2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older. 3. The offense sexual trafficking of a child in the second degree is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence. ---------- (L. 2004 H.B. 1487, A.L. 2011 H.B. 214, A.L. 2014 S.B. 491, A.L. 2016 H.B. 1562) Transferred 2014; formerly 566.212; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.215 - Contributing to human trafficking through the misuse of documentation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.215. Contributing to human trafficking through the misuse of documentation, penalty. —1. A person commits the offense of contributing to human trafficking through the misuse of documentation when he or she knowingly: (1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing offenses or with the intent to commit offenses, pursuant to sections 566.203 to 566.218; or (2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person who is the victim of an offense committed pursuant to sections 566.203 to 566.218. 2. A person who is found guilty of the offense of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless he or she is otherwise required to register pursuant to the provisions of such section. 3. The offense of contributing to human trafficking through the misuse of documentation is a class E felony. ---------- (L. 2004 H.B. 1487, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.218 - Restitution required for certain offenders.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.218. Restitution required for certain offenders. —Notwithstanding sections 557.011, 558.019, and 559.021, a person found guilty of violating any provisions of section 566.203, 566.206, 566.209, 566.210, 566.211, 566.212, 566.213, or 566.215 shall be ordered by the sentencing court to pay restitution to the victim of the offense regardless of whether the defendant is sentenced to a term of imprisonment or probation. The minimum restitution ordered by the court shall be in the amount determined by the court necessary to compensate the victim for the value of the victim's labor and/or for the mental and physical rehabilitation of the victim and any child of the victim. ---------- (L. 2004 H.B. 1487, A.L. 2011 H.B. 214, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 566 - Sexual OffensesSection 566.223 - Federal Trafficking Victims Protection Act of 2000 to apply, when — affirmative defense — procedures to identify victims, training on protocols.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 566 566.223. Federal Trafficking Victims Protection Act of 2000 to apply, when — affirmative defense — procedures to identify victims, training on protocols. —1. Any individual who is alleging that a violation of sections 566.200 to 566.218 and section 578.475*has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended. 2. It is an affirmative defense for the offense of prostitution under section 567.020 that the defendant engaged in the conduct charged to constitute an offense because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person, which force or threatened force a person of reasonable firmness in his or her situation would have been unable to resist. 3. The department of public safety is authorized to establish procedures for identifying victims of trafficking under sections 566.200 to 566.223. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the children's division of the department of social services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators. 4. As soon as possible after a first encounter with a person who reasonably appears to a law enforcement agency to be a victim of trafficking as defined in section 566.200, that agency or office shall notify the department of social services and, where applicable, juvenile justice authorities that the person may be a victim of trafficking, in order that such agencies may determine whether the person may be eligible for state or federal services, programs, or assistance. 5. The department of social services may coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking. State agencies may implement programs and enter into contracts with nonprofit agencies, domestic and sexual violence shelters, and other nongovernment organizations to provide services to confirmed victims of trafficking, insofar as funds are available for that purpose. Such services may include, but are not limited to, case management, emergency temporary housing, health care, mental health counseling, alcohol and drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training, and placement assistance. 6. A victim of trafficking may bring a civil action against a person or persons who plead guilty to or are found guilty of a violation of section 566.203, 566.206, 566.209, 566.210**, or 566.211**to recover the actual damages sustained by the victim, court costs, including reasonable attorney's fees, and punitive damages, when determined to be appropriate by the court. Any action commenced under this section shall be filed within ten years after the later of: (1) The final order in the related criminal case; (2) The victim's emancipation from the defendant; or (3) The victim's eighteenth birthday. 7. The attorney general may bring a civil action, in the circuit court in which the victim of trafficking was found, to recover from any person or entity that benefits, financially or by receiving anything of value, from violations of section 566.203, 566.206, 566.209, 566.210**, or 566.211**, a civil penalty of not more than fifty thousand dollars for each violation of section 566.203, 566.206, 566.209, 566.210**, or 566.211**, and injunctive and other equitable relief as the court may, in its discretion, order. The first priority of any money or property collected under such an action shall be to pay restitution to the victims of trafficking on whose behalf the civil action was brought. ---------- (L. 2004 H.B. 1487, A.L. 2005 H.B. 353, A.L. 2011 H.B. 214) *Section 566.221 was transferred to section 578.475 by S.B. 491, 2014, effective 1-01-17. **Section 566.212 was transferred to section 566.211 and section 566.213 was transferred to section 566.210 by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.010 - Chapter definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.010. Chapter definitions. —As used in this chapter, the following terms mean: (1)"Deviate sexual intercourse", any sexual act involving the genitals of one person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim; (2)"Persistent prostitution offender", a person who has been found guilty of two or more prostitution-related offenses; (3)"Prostitution-related offense", any violation of state law for prostitution,

patronizing prostitution, or promoting prostitution; (4)"Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual contact; (5)"Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim; (6)"Sexual intercourse", any penetration, however slight, of the female genitalia by the penis; (7)"Something of value", any money or property, or any token, object or article exchangeable for money or property. ---------- (L. 1977 S.B. 60, A.L. 1986 H.B. 895, A.L. 1997 S.B. 347, A.L. 2014 S.B. 491) Effective 1-01-17 (1981) Statute defining "promoting prostitution" excludes the prosecution of a prostitute or a patron from promoting prostitution in a single act of prostitution involving only the prostitute and the patron. State v. Linder (A.), 613 S.W.2d 918.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.020 - Prostitution — penalty — no certification as an adult, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.020. Prostitution — penalty — no certification as an adult, when. —1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person. 2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense. 3. As used in this section,"HIV"means the human immunodeficiency virus that causes acquired immunodeficiency syndrome. 4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence. 5. A person shall not be certified as an adult or adjudicated as a delinquent for the offense of prostitution under this section if the person was under the age of eighteen at the time the offense occurred. In such cases where the person was under the age of eighteen, the person shall be classified as a victim of abuse, as defined under section 210.110, and such abuse shall be reported immediately to the children's division, as required under section 210.115 and to the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters 207, 210, and 211. Upon request, the local law enforcement agency and the prosecuting attorney shall assist the children's division and the juvenile officer in conducting the investigation. ---------- (L. 1977 S.B. 60, A.L. 1997 S.B. 347, A.L. 2002 H.B. 1756, A.L. 2014 S.B. 491, A.L. 2018 S.B. 793, A.L. 2019 H.B. 397, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.030 - Patronizing prostitution — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.030. Patronizing prostitution — penalty. —1. A person commits the offense of patronizing prostitution if he or she: (1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or (2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or (3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value. 2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older. 3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than fourteen years of age, in which case patronizing prostitution is a class E felony. 4. The offense of patronizing prostitution is a class D felony if the individual who the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of: (1) Statutory rape in the first degree pursuant to section 566.032; (2) Statutory rape in the second degree pursuant to section 566.034; (3) Statutory sodomy in the first degree pursuant to section 566.062; or (4) Statutory sodomy in the second degree pursuant to section 566.064. ---------- (L. 1977 S.B. 60, A.L. 2004 H.B. 1487, A.L. 2014 S.B. 491, A.L. 2018 S.B. 793)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.050 - Promoting prostitution in the first degree — penalties — civil action for victims — restitution.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.050. Promoting prostitution in the first degree — penalties — civil action for victims — restitution. —1. A person commits the offense of promoting prostitution in the first degree if he or she knowingly: (1) Promotes prostitution by compelling a person to enter into, engage in, or remain in prostitution; (2) Promotes prostitution of a person less than sixteen years of age; or (3) Owns, manages, or operates an interactive computer service, or conspires or attempts to do so, with the intent to promote or facilitate the prostitution of another. As used in this subdivision, the term"interactive computer service"shall mean any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions. 2. The term"compelling"includes: (1) The use of forcible compulsion; (2) The use of a drug or intoxicating substance to render a person incapable of controlling his conduct or appreciating its nature; (3) Withholding or threatening to withhold dangerous drugs or

a narcotic from a drug dependent person. 3. (1) The offense of promoting prostitution in the first degree under subdivision (1) or (3) of subsection 1 of this section is a class B felony. (2) The offense of promoting prostitution in the first degree under subdivision (3) of subsection 1 of this section is a class A felony if a person acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation under section 566.209. (3) The offense of promoting prostitution in the first degree under subdivision (2) of subsection 1 of this section is a felony punishable by a term of imprisonment not less than ten years and not to exceed fifteen years. 4. A person injured by the acts committed in violation of subdivision (3) of subsection 1 of this section or subdivision (2) of subsection 3 of this section shall have a civil cause of action to recover damages and reasonable attorneys' fees for such injury. 5. In addition to the court's authority to order a defendant to make restitution for the damage or loss caused by his or her offense as provided in section 559.105, the court shall enter a judgment of restitution against the defendant convicted of violating subdivision (3) of subsection 1 of this section and subdivision (2) of subsection 3 of this section. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2018 S.B. 793, A.L. 2019 H.B. 397)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.060 - Promoting prostitution in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.060. Promoting prostitution in the second degree — penalty. —1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly: (1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes; or (2) Promotes prostitution of a person sixteen or seventeen years of age. 2. The offense of promoting prostitution in the second degree is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2018 S.B. 793) (1984) Defendant cannot be charged with promoting her own prostitution where defendant was acting as a prostitute herself and the definition of promoting prostitution excludes one who is also acting as a prostitute. State v. Fredrickson (Mo.App.), 689 S.W.2d 58.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.070 - Promoting prostitution in the third degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.070. Promoting prostitution in the third degree — penalty. —1. A person commits the offense of promoting prostitution in the third degree if he or she knowingly: (1) Causes or aids a person to commit or engage in prostitution; (2) Procures or solicits patrons for prostitution; (3) Provides persons or premises for prostitution purposes; (4) Operates or assists in the operation of a house of prostitution or a prostitution business or enterprise; (5) Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of prostitution activity; or (6) Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution. 2. The offense of promoting prostitution in the third degree is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.080 - Prostitution houses deemed public nuisances.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.080. Prostitution houses deemed public nuisances. —1. Any room, building or other structure regularly used for any prostitution activity prohibited by this chapter is a public nuisance. 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year. 3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any prostitution activity anywhere within the jurisdiction of the court. 4. Appeals shall be allowed from the judgment of the court as in other civil actions. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.085 - Promoting travel for prostitution — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.085. Promoting travel for prostitution — penalty. —1. A person commits the offense of promoting travel for prostitution if he or she knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution as defined by section 567.020. 2. The offense of promoting travel for prostitution is a class D felony. ---------- (L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.087 - Prohibitions on travel agencies or tour operators — rebuttable presumption, advertisements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.087. Prohibitions on travel agencies or tour operators — rebuttable presumption, advertisements. —1. No travel agency or charter tour operator shall: (1) Promote travel for prostitution as described in section 567.085; (2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel: (a) For the purpose of engaging in a commercial sex act as defined in section 566.010; (b) That consists of tourism packages or activities using and offering any sexual contact as defined in section 566.010 as enticement for tourism; or (c) That provides or purports to provide access to or that facilitates the availability of sex escorts or sexual services. 2. There shall be a rebuttable presumption that any travel agency or charter tour operator using advertisements that include the term "sex tours" or "sex travel" or include depictions of human genitalia is in violation of this section. ---------- (L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.089 - Offering travel for purpose of prostitution prohibited — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.089. Offering travel for purpose of prostitution prohibited — penalties. —1. No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purpose of engaging in prostitution. 2. Upon violation of this section by a travel agency or charter tour operator, the secretary of state shall revoke the articles of incorporation of the travel agency or charter tour operator. The secretary of state, as part of a proceeding brought under this section, may order a freeze of the bank or deposit accounts of the travel agency or charter tour operator. ---------- (L. 2006 H.B. 1698, et al.) Effective 6-05-06

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.090 - Preemption and standardization.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.090. Preemption and standardization. —The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by felony sections 567.050 through 567.070, to promote statewide control of prostitution, and to standardize laws that governmental subdivisions may adopt in other areas covered by this chapter. No governmental subdivision may enact or enforce a law that makes any conduct in the area covered by sections 567.050 through 567.070 subject to a criminal or civil penalty or sanction of any kind. Cities and towns may enact and enforce laws prohibiting and penalizing conduct subject to criminal or civil penalties or sanctions under other provisions of this chapter, but the provisions of such laws shall be the same and the authorized penalties or sanctions under such laws shall not be greater than those of this chapter. Cities and towns may also enact and enforce laws prohibiting and penalizing public solicitation of sexual conduct, whether or not the offer to engage in sexual conduct is in return for something of value, and health laws to prevent the spread of venereal diseases. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.100 - Responsibilities of prosecuting attorneys and attorney general.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.100. Responsibilities of prosecuting attorneys and attorney general. —In addition to the responsibility of circuit attorneys and prosecuting attorneys in their respective jurisdictions to enforce the criminal provisions of this chapter, they shall have the duty to enforce the provisions of section 567.080; and the attorney general shall have a concurrent duty to enforce the civil provisions of section 567.080. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.110 - Persistent prostitution offender — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.110. Persistent prostitution offender — penalty. —Any person who has been found guilty of a violation of section 567.020 or 567.030 and who is alleged and proved to be a persistent prostitution offender is guilty of a class E felony. ---------- (L. 1997 S.B. 347, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 567 - ProstitutionSection 567.120 - HIV testing for persons arrested for a prostitution-related offense.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 567 567.120. HIV testing for persons arrested for a prostitution-related offense. —Any person arrested for a prostitution-related offense, who has been found guilty of a prior prostitution-related offense, may, within the sound discretion of the court, be required to undergo HIV testing as a condition precedent to the issuance of bond for the offense. ---------- (L. 1997 S.B. 347, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.010 - Bigamy — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.010. Bigamy — penalty. —1. A married person commits the offense of bigamy if he or she: (1) Purports to marry another; or (2) Cohabits with one whom he or she entered into a bigamous marriage in another jurisdiction. 2. A married person does not commit bigamy if, at the time of the subsequent marriage ceremony, he or she reasonably believes that he or she is legally eligible to remarry. 3. The defendant shall have the burden of injecting the issue of reasonable belief of eligibility to remarry. 4. An unmarried person commits the offense of bigamy if he or she: (1) Purports to marry another knowing that the other person is married; or (2) Cohabits with one whom he or she entered into a bigamous marriage in another jurisdiction. 5. The offense of bigamy is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.020 - Incest — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.020. Incest — penalty. —1. A person commits the offense of incest if he or she marries or purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person he or she knows to be, without regard to legitimacy, his or her: (1) Ancestor or descendant by blood or adoption; or (2) Stepchild, while the marriage creating that relationship exists; or (3) Brother or sister of the whole or half-blood; or (4) Uncle, aunt, nephew or niece of the whole blood. 2. The offense of incest is a class E felony. 3. The court shall not grant probation to a person who has previously been found guilty of an offense under this section. ---------- (L. 1977 S.B. 60, A.L. 1979 S.B. 234, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCES: Child abuse, definitions, actions for civil damages may be brought, when, 537.046 Conviction of offense, on release registration requirements and penalty for failure to comply (Megan's Law), 589.400 to 589.426

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.030 - Abandonment of child in the first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.030. Abandonment of child in the first degree, penalty. —1. A person commits the offense of abandonment of a child in the first degree if, as a parent, guardian or other person legally charged with the care or custody of a child less than four years of age, he or she leaves the child in any place with purpose wholly to abandon the child, under circumstances which are likely to result in serious physical injury or death. 2. The offense of abandonment of a child in the first degree is a class B felony, unless the child dies, in which case it is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 1995 H.B. 160, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.032 - Abandonment of a child, second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.032. Abandonment of a child, second degree — penalty. —1. A person commits the offense of abandonment of a child in the second degree if, as a parent, guardian or other person legally charged with the care or custody of a child less than eight years of age, he or she leaves the child in any place with purpose wholly to abandon the child, under circumstances which are likely to result in serious physical injury or death. 2. The offense of abandonment of a child in the second degree is a class D felony, unless the child suffers serious physical injury, in which case it is a class B felony. It is a class A felony if the child dies. ---------- (L. 1995 H.B. 160, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.040 - Criminal nonsupport, penalty — definitions — payment of support as a condition of parole — expungement of records, when — prosecuting attorneys to report cases to family support division.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.040. Criminal nonsupport, penalty — definitions — payment of support as a condition of parole — expungement of records, when — prosecuting attorneys to report cases to family support division. —1. A person commits the offense of nonsupport if he or she knowingly fails to provide adequate support for his or her spouse; a parent commits the offense of nonsupport if such parent knowingly fails to provide adequate support which such parent is legally obligated to provide for his or her child or stepchild who is not otherwise emancipated by operation of law. 2. For purposes of this section: (1)"Arrearage": (a) The amount of moneys created by a failure to provide support to a child under an administrative or judicial support order; (b) Support to an estranged or former spouse if the judgment or order requiring payment of spousal support also requires payment of child support and such estranged or former spouse is the custodial parent; or (c) Both paragraphs (a) and (b) of this subdivision. --The arrearage shall reflect any retroactive support ordered under a modification and any judgments entered by a court of competent jurisdiction or any authorized agency and any satisfactions of judgment filed by the custodial parent; (2)"Child"means any biological or adoptive child, or any child whose paternity has been established under chapter 454, or chapter 210, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent; (3)"Good cause"means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains his inability to support; (4)"Support"means food, clothing, lodging, and medical or surgical attention; (5) It shall not constitute a failure

to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided. 3. Inability to provide support for good cause shall be an affirmative defense under this section. A defendant who raises such affirmative defense has the burden of proving the defense by a preponderance of the evidence. 4. The defendant shall have the burden of injecting the issues raised by subdivision (5) of subsection 2 of this section. 5. The offense of criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class E felony. 6. (1) If at any time an offender convicted of criminal nonsupport, or an offender who has plead guilty to a charge of criminal nonsupport, is placed on probation or parole, there may be ordered as a condition of probation or parole that the offender commence payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by making such lump sum payment as the offender is capable of paying, if any, as may be shown after examination of the offender's financial resources or assets, both real, personal, and mixed, and second by making periodic payments. Periodic payments toward satisfaction of arrears when added to current payments due shall be in such aggregate sums as is not greater than fifty percent of the offender's adjusted gross income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered support, only. (2) If the offender fails to pay the support and arrearages under the terms of his or her probation, the court may revoke probation or parole and then impose an appropriate sentence within the range for the class of offense that the offender was convicted of as provided by law, unless the offender proves good cause for the failure to pay as required under subsection 3 of this section. (3) (a) An individual whose children were the subject of a child support order and the obligation of such individual to make child support payments has been terminated under subsection 3 of section 452.340, who has been found guilty of a felony offense for criminal nonsupport under this section, and who has successfully completed probation after a plea of guilty or conviction may petition the court for expungement of all recordations of his or her arrest, plea, trial, or conviction. If the court determines after hearing that such person: a. Has not been convicted of any subsequent offense, unless such offense is eligible for expungement under a different section; b. Does not have any other felony pleas of guilt, findings of guilt, or convictions, unless such felony pleas of guilt, findings of guilt, or convictions are eligible for expungement under a different section; c. Has paid off all arrearages; and d. Has no administrative child support actions pending at the time of the hearing on the application for expungement with respect to all children subject to orders of payment of child support --the court shall enter an order of expungement. In addition, the court may consider successful completion of a criminal nonsupport court program under section 478.1000, or any other circumstances or factors deemed relevant by the court. (b) Upon granting the order of expungement, the records and files maintained in any court proceeding in an associate or a circuit division of the circuit court under this section shall be confidential and only available to the parties or by order of the court for good cause shown. (c) The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction, and as if such event had never taken place. No person for whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. (d) A person shall only be entitled to one expungement under this section. Nothing in this section shall prevent the director of the department of social services from maintaining such records as to ensure that an individual receives only one expungement under this section for the purpose of informing the proper authorities of the contents of any record maintained under this section. 7. During any period that a nonviolent offender is incarcerated for criminal nonsupport, if the offender is ready, willing, and able to be gainfully employed during said period of incarceration, the offender, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the offender to satisfy his or her obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement. 8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section. 9. Beginning January 1, 1991, every prosecuting attorney in any county which has entered into a cooperative agreement with the family support division within the department of social services regarding child support enforcement services shall report to the division on a quarterly basis the number of charges filed and the number of convictions obtained under this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported information into a statewide report by county and make the report available to the general public. 10. Persons accused of committing the offense of nonsupport of the child shall be prosecuted: (1) In any county in which the child resided during the period of time for which the defendant is charged; or (2) In any county in which the defendant resided during the period of time for which the defendant is charged. ---------- (L. 1977 S.B. 60, A.L. 1990 S.B. 834, A.L. 1993 S.B. 253, A.L. 2009 S.B. 140, A.L. 2011 H.B. 111, A.L. 2014 S.B. 491, A.L. 2016 H.B. 2332, A.L. 2017 S.B. 34) (2015) Criminal nonsupport statute is constitutional under due process standards because a defendant may be made to bear the burden of pleading and proving the affirmative defense of inability to provide support for good cause. State v. Meacham, 470 S.W.3d 744 (Mo.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.045 - Endangering the welfare of a child in the first degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.045. Endangering the welfare of a child in the first degree, penalties. —1. A person commits the offense of endangering the welfare of a

child in the first degree if he or she: (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years of age; or (2) Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody; (3) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 571 or 579; (4) In the presence of a child less than seventeen years of age or in a residence where a child less than seventeen years of age resides, unlawfully manufactures or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of its analogues. 2. The offense of endangering the welfare of a child in the first degree is a class D felony unless the offense: (1) Is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, or where physical injury to the child results, or the offense is a second or subsequent offense under this section, in which case the offense is a class C felony; (2) Results in serious physical injury to the child, in which case the offense is a class B felony; or (3) Results in the death of a child, in which case the offense is a class A felony. ---------- (L. 1990 H.B. 1370, et al., A.L. 1994 S.B. 693, A.L. 1998 H.B. 1147, et al., A.L. 2003 S.B. 5, A.L. 2005 H.B. 353, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.050 - Endangering the welfare of a child in the second degree, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.050. Endangering the welfare of a child in the second degree, penalties. —1. A person commits the offense of endangering the welfare of a child in the second degree if he or she: (1) With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years of age; or (2) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or (3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him or her from coming within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or (4) Knowingly encourages, aids or causes a child less than seventeen years of age to enter into any room, building or other structure which is a public nuisance as defined in section 579.105. 2. Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided nonmedical remedial treatment recognized and permitted under the laws of this state. 3. The offense of endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, in which case the offense is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 1984 H.B. 1616, A.L. 1988 H.B. 1340 & 1348, A.L. 1990 H.B. 1030 merged with H.B. 1370, et al., A.L. 2005 H.B. 353 and H.B. 972 merged with S.B. 37, et al., A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2014 S.B. 491) Effective 1-01-17 (1984) The state is required to prove that defendant knowingly encouraged a child less than seventeen years of age to engage in conduct tending to injure the child's welfare; knowing the child to be less than seventeen is a material element of the crime. Recklessness is not sufficient. State v. Nations (Mo. App.), 676 S.W.2d 282.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.060 - Abuse or neglect of a child, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.060. Abuse or neglect of a child, penalty. —1. As used in this section, the following terms shall mean: (1)"Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner; (2)"Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking; (3)"Mental injury", an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior; (4)"Neglect", the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result; (5)"Physical injury", physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ; (6)"Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty; (7)"Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body. 2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age: (1) To suffer physical or mental injury as a result of abuse or neglect; or (2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect. 3. A person commits

the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma. 4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services. 5. The offense of abuse or neglect of a child is: (1) A class D felony, without eligibility for probation, parole, or conditional release until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence; or (2) A class A felony if the child dies as a result of injuries sustained from conduct chargeable under the provisions of this section. 6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation, parole, or conditional release until the defendant has served not less than fifteen years of such sentence, if: (1) The injury is a serious emotional injury or a serious physical injury; (2) The child is less than fourteen years of age; and (3) The injury is the result of sexual abuse or sexual abuse in the first degree as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023. 7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection. 8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt. 9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section. ---------- (L. 1977 S.B. 60, A.L. 1984 H.B. 1255, A.L. 1990 H.B. 1370, et al., A.L. 1997 S.B. 56, A.L. 2012 S.B. 628, A.L. 2013 H.B. 505, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.065 - Genital mutilation of a female child, penalty — affirmative defenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.065. Genital mutilation of a female child, penalty — affirmative defenses. —1. A person commits the offense of genital mutilation if he or she: (1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or clitoris of a female child less than seventeen years of age; or (2) Is a parent, guardian or other person legally responsible for a female child less than seventeen years of age and permits the excision or infibulation, in whole or in part, of the labia majora, labia minora, vulva or clitoris of such female child. 2. The offense of genital mutilation is a class B felony. 3. Belief that the conduct described in subsection 1 of this section is required as a matter of custom, ritual or standard practice, or consent to the conduct by the child on whom it is performed or by the child's parent or legal guardian, shall not be an affirmative defense to a charge pursuant to this section. 4. It is a defense if the conduct which constitutes genital mutilation was: (1) Necessary to preserve the health of the child on whom it is performed and is performed by a person licensed to practice medicine in this state; or (2) Performed on a child who is in labor or who has just given birth and is performed for medical purposes connected with such labor or birth by a person licensed to practice medicine in this state. ---------- (L. 2000 S.B. 757 & 602, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Child molestation, first and second degree, 566.067, 566.068

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.070 - Unlawful transactions with a child.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.070. Unlawful transactions with a child. —1. A person commits the offense of unlawful transactions with a child if he or she: (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or (2) Knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in chapter 579, is maintained or conducted; or (3) With criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child under the age of seventeen, or fireworks as defined in section 320.110*, to a child under the age of fourteen, unless the child's custodial parent or guardian has consented in writing to the transaction. Criminal negligence as to the age of the child is not an element of this crime. 2. The offense of unlawful transactions with a child is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 *Section 320.110 was repealed by S.B. 76, 1985

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 568 - Offenses Against the FamilySection 568.175 - Trafficking in children, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 568 568.175. Trafficking in children, penalty. —1. A person or entity commits the offense of trafficking in children if he, she, or it offers, gives, receives or solicits any money, consideration or other thing of value for the delivery or offer of delivery of a child to another person or entity for purposes of adoption, or for the execution of a consent to adopt or waiver of consent to future adoption or a consent to termination of parental rights. 2. An offense is not committed under this section if the money, consideration or thing of value or conduct is permitted under chapter 453 relating to adoption. 3. The offense of trafficking in children is a class D felony. ---------- (L. 1985 H.B. 366, et al. § 1, A.L. 1997 H.B. 343, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Application of law to

adoption petitions filed on or after August 28, 1997, 453.012 (1988) Section 568.175, RSMo, prohibits delivery of a child to the person offering the money as well as to a third party as the phrase "to another person" means a person other than the one who has control of and is to deliver the child. State v. Daugherty, 744 S.W.2d 849 (MO.App.S.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.010 - Chapter definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.010. Chapter definitions. —As used in this chapter the following terms mean: (1)"Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance; (2)"Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public; (3)"Nuclear power plant", a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to property within the structure or fenced yard, as defined in section 563.011; (4)"Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, or loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services; (5)"To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing; (6)"Utility", an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2018 H.B. 1797, A.L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.040 - Arson in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.040. Arson in the first degree — penalty. —1. A person commits the offense of arson in the first degree if he or she: (1) Knowingly damages a building or inhabitable structure, and when any person is then present or in near proximity thereto, by starting a fire or causing an explosion and thereby recklessly places such person in danger of death or serious physical injury; or (2) By starting a fire or explosion, damages a building or inhabitable structure in an attempt to produce methamphetamine. 2. The offense of arson in the first degree is a class B felony unless a person has suffered serious physical injury or has died as a result of the fire or explosion set by the person or as a result of a fire or explosion started in an attempt by the person to produce methamphetamine, in which case arson in the first degree is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 57, A.L. 2005 H.B. 353, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.050 - Arson in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.050. Arson in the second degree — penalty. —1. A person commits the offense of arson in the second degree if he or she knowingly damages a building or inhabitable structure by starting a fire or causing an explosion. 2. A person does not commit an offense under this section if: (1) No person other than himself or herself has a possessory, proprietary or security interest in the damaged building, or if other persons have those interests, all of them consented to his or her conduct; and (2) The person's sole purpose was to destroy or damage the building for a lawful and proper purpose. 3. The defendant shall have the burden of injecting the issue under subsection 2 of this section. 4. The offense of arson in the second degree is a class D felony unless a person has suffered serious physical injury or has died as a result of the fire or explosion, in which case it is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 57, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.053 - Arson in the third degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.053. Arson in the third degree — penalty. —1. A person commits the offense of arson in the third degree if he or she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another. 2. The offense of arson in the third degree is a class A misdemeanor. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.055 - Knowingly burning or exploding — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.055. Knowingly burning or exploding — penalty. —1. A person commits the offense of knowingly burning or exploding if he or she knowingly damages property of another by starting a fire or causing an explosion. 2. The offense of knowingly burning or exploding is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.060 - Reckless burning or exploding — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.060. Reckless burning or exploding — penalty. —1. A person commits the offense of reckless burning or exploding if he or she recklessly starts a fire or causes an explosion and thereby damages or destroys the property of another. 2. The offense of reckless burning or exploding is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.065 - Negligent burning or exploding — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.065. Negligent burning or exploding — penalty. —1. A person commits the offense of negligent burning or exploding if he or she with criminal negligence causes damage to property or to the woodlands, cropland, grassland, prairie, or marsh of another by: (1) Starting a fire or causing an explosion; or (2) Allowing a fire burning on lands in his or her possession or control onto the property of another. 2. The offense of negligent burning or exploding is a class C misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.075 - Possessing a tool to break into a vending machine — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.075. Possessing a tool to break into a vending machine — penalty. —1. A person commits the offense of possessing a tool to break into a vending machine if he or she possesses any key, tool, instrument, explosive, or similar device, or a drawing, print, mold of a key, tool, instrument, explosive, or device designed to open, break into, tamper with, or damage a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment, with the intent to commit a theft from such machine. 2. The owner of a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment may maintain a civil cause of action against any person who has been found guilty of a violation of this section. If such owner of a coin-operated vending machine or any other machine or device which is activated by the customer depositing some form of payment prevails in such action, the court may award treble damages, reasonable attorney's fees, and costs. 3. The offense of possession of a tool to break into a vending machine is a class A misdemeanor. ---------- (L. 1995 S.B. 446 §§ 1, 2, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.445; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.080 - Tampering in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.080. Tampering in the first degree — penalty. —1. A person commits the offense of tampering in the first degree if he or she: (1) For the purpose of causing a substantial interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, damages or tampers with property or facilities of such a utility or institution, and thereby causes substantial interruption or impairment of service; or (2) Knowingly receives, possesses, sells, or unlawfully operates an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner thereof. 2. Upon a finding by the court that the probative value outweighs the prejudicial effect, evidence of the following is admissible in any criminal prosecution of a person under subdivision (2) of subsection 1 of this section to prove the requisite knowledge that he or she: (1) Received, possessed, sold, or operated an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle unlawfully on a separate occasion; or (2) Acquired the automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle for a consideration which he or she knew was far below its reasonable value. 3. The offense of tampering in the first degree is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 1982 H.B. 1454, et al., A.L. 2005 H.B. 353, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.086 - Trespass on a critical infrastructure facility — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.086. Trespass on a critical infrastructure facility — penalty. —1. As used in this section,"critical infrastructure facility"means any of the following facilities that are under construction or operational: a petroleum or alumina refinery; critical electric infrastructure, as defined in 18 CFR Section 118.113(c)(3) including, but not limited to, an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure; a chemical, polymer, or rubber

manufacturing facility; a water intake structure, water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping facility, or pump station; a natural gas compressor station; a liquid natural gas terminal or storage facility; a telecommunications central switching office; wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility; a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a federally licensed radio or television station; a steelmaking facility that uses an electric arc furnace to make steel; a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal government; a natural gas distribution utility facility including, but not limited to, natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility; a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility, a grain mill or processing facility; a generation, transmission, or distribution system of broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility that is enclosed by a fence, other physical barrier, or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders. 2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical infrastructure facility without the permission of the owner of the property or lawful occupant thereof. The offense of trespass on a critical infrastructure facility is a class B misdemeanor. If it is determined that the intent of the trespasser is to damage, destroy, or tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a class A misdemeanor. 3. A person commits the offense of damage of a critical infrastructure if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a class D felony. 4. This section shall not apply to conduct protected under the Constitution of the United States, the Constitution of the state of Missouri, or a state or federal law or rule. ---------- (L. 2019 H.B. 355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.090 - Tampering in the second degree — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.090. Tampering in the second degree — penalties. —1. A person commits the offense of tampering in the second degree if he or she: (1) Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or (3) Tampers or makes connection with property of a utility; or (4) Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either: (a) To prevent the proper measuring of electric, gas, steam or water service; or (b) To permit the diversion of any electric, gas, steam or water service. 2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service. 3. Tampering in the second degree is a class A misdemeanor unless: (1) Committed as a second or subsequent violation of subdivision (4) of subsection 1, in which case it is a class E felony; or (2) The defendant has a prior conviction or has previously been found guilty pursuant to paragraph (a) of subdivision (3) of subsection 5 of section 570.030, or subdivision (2) of subsection 1 of this section, in which case it is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 1982 H.B. 1454, et al., A.L. 1986 S.B. 672, A.L. 2005 H.B. 353, A.L. 2014 S.B. 491, A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.095 - Tampering with computer data — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.095. Tampering with computer data — penalties. —1. A person commits the offense of tampering with computer data if he or she knowingly and without authorization or without reasonable grounds to believe that he has such authorization: (1) Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or (2) Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or (3) Discloses or takes data, programs, or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or (4) Discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network; (5) Accesses a computer, a computer system, or a computer network, and intentionally examines information about another person; (6) Receives, retains, uses, or discloses any data he knows or believes was obtained in violation of this subsection. 2. The offense of tampering with computer data is a class A misdemeanor, unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is seven hundred fifty dollars or more, in which case it is a class E felony. ---------- (L. 1982 H.B. 1454, et al. § 2, A.L. 1987 H.B. 208, A.L. 2002

H.B. 1888, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Civil action for tampering with computer data, expenses, attorney fees, 537.525

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.097 - Tampering with computer equipment — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.097. Tampering with computer equipment — penalties. —1. A person commits the offense of tampering with computer equipment if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization: (1) Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network; or (2) Modifies, destroys, damages, or takes any computer, computer system, or computer network. 2. The offense of tampering with computer equipment is a class A misdemeanor, unless: (1) The offense is committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which is seven hundred fifty dollars or more, in which case it is a class E felony; or (2) The damage to such computer equipment or to the computer, computer system, or computer network is seven hundred fifty dollars or more, in which case it is a class E felony; or (3) The damage to such computer equipment or to the computer, computer system, or computer network is twenty-five thousand dollars or more, in which case it is a class D felony. ---------- (L. 1982 H.B. 1454, et al. § 3, A.L. 1987 H.B. 208, A.L. 2002 H.B. 1888, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Civil action for tampering with computer equipment, expenses and attorney fees, 537.525

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.099 - Tampering with computer users — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.099. Tampering with computer users — penalties. —1. A person commits the offense of tampering with computer users if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization: (1) Accesses or causes to be accessed any computer, computer system, or computer network; or (2) Denies or causes the denial of computer system services to an authorized user of such computer system services, which, in whole or in part, is owned by, under contract to, or operated for, or on behalf of, or in conjunction with another. 2. The offense of tampering with computer users is a class A misdemeanor unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is seven hundred fifty dollars or more, in which case tampering with computer users is a class E felony. ---------- (L. 1982 H.B. 1454, et al. § 4, A.L. 1987 H.B. 208, A.L. 2002 H.B. 1888, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Civil action for tampering with computer users, expenses and attorney fees, 537.525

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.100 - Property damage in the first degree — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.100. Property damage in the first degree — penalties. —1. A person commits the offense of property damage in the first degree if such person: (1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or (2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of defrauding an insurer; (3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle; or (4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable. 2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 1986 S.B. 450, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2017 S.B. 34, A.L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.120 - Property damage in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.120. Property damage in the second degree — penalty. —1. A person commits the offense of property damage in the second degree if he or she: (1) Knowingly damages property of another; or (2) Damages property for the purpose of defrauding an insurer. 2. The offense of

property damage in the second degree is a class B misdemeanor, unless the offense of property damage in the second degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which it is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 1986 S.B. 450, A.L. 2014 S.B. 491, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.130 - Claim of right.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.130. Claim of right. —1. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he or she does so under a claim of right and has reasonable grounds to believe he or she has such a right. 2. The defendant shall have the burden of injecting the issue of claim of right. 3. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs, or removes any part of a leased structure or dwelling unit, or the facilities, equipment, or appurtenances thereof, may inject the issue of claim of right. ---------- (L. 1977 S.B. 60, A.L. 2014 H.B. 1410 merged with S.B. 655)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.132 - Prohibited acts — involving crops — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.132. Prohibited acts — involving crops — penalties. —1. This section shall be known and may be cited as the "Crop Protection Act". 2. A person commits the offense of prohibited acts involving crops if he or she: (1) Intentionally causes the loss of any crop; (2) Damages, vandalizes, or steals any property in or on land on which a crop is located; (3) Obtains access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner; (4) Enters or otherwise interferes with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop; (5) Knowingly obtains, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop; or (6) Enters or remains on land on which a crop is located with the intent to commit an act prohibited by this section. 3. The offense of prohibited acts involving crops is a class A misdemeanor for each such violation unless: (1) The loss or damage to the crop is seven hundred fifty dollars or more, in which case it is a class E felony; (2) The loss or damage to the crop is one thousand dollars or more, in which case it is a class D felony; (3) The loss or damage to the crop is twenty-five thousand dollars or more, in which case it is a class C felony; (4) The loss or damage to the crop is seventy-five thousand dollars or more, in which case it is a class B felony. 4. Any person who has been damaged by a violation of this section shall have a civil cause of action under section 537.353. 5. Nothing in this section shall preclude any owner or operator injured in his or her business or on his or her property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates this section. The owner or operator of the business may petition the court to permanently enjoin such persons from violating this section, and the court shall provide such relief. 6. The director of the department of agriculture shall have the authority to investigate any alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of this section. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required for the investigation. 7. The director may promulgate rules and regulations necessary for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void. ---------- (L. 2001 S.B. 462, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.416; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.135 - Unlawfully entering or defacing a cave or cavern — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.135. Unlawfully entering or defacing a cave or cavern — penalty. —1. Unless a person has the prior written permission of an owner, officer, lessee, or superintendent of a cave or cavern, such person commits the offense of unlawfully entering or defacing a cave or cavern if he or she: (1) Willfully or knowingly breaks, breaks off, cracks, carves upon, writes or otherwise marks upon, or in any manner destroys, mutilates, injures, defaces, removes, displaces, mars, or harms the surfaces of any cave or any natural material therein including, without limitation, stalactites, stalagmites, helictites, anthodites, gypsum flowers, or needles, cave pearls, flowstone, draperies, rimstone, spathites, columns or similar crystalline mineral formation, including the host rock thereof; or (2) Breaks, forces, tampers with, removes, or otherwise disturbs a lock, gate, door or other structure designed to prevent entrance to a cave or cavern. A person violates this subsection whether or not entrance to the cave or cavern is achieved. 2. No additional appropriations may be made for the enforcement of this section. 3. The provisions of this section do not apply to vertical or horizontal underground mining operations. 4. The offense of unlawfully entering or defacing a cave or cavern is a class A

misdemeanor. ---------- (L. 1980 H.B. 1192 § 3, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.210; Effective 1-01-17 CROSS REFERENCE: Caves open to public, requirements, 293.620

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.137 - Polluting cave or subsurface waters — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.137. Polluting cave or subsurface waters — penalty. —1. As used in this section, the following terms mean: (1)"Cave system", the caves in a given area related to each other hydrologically, whether continuous or discontinuous from a single opening; (2)"Sinkhole", a hollow place or depression in the ground in which drainage may collect with an opening therefrom into an underground channel or cave including any subsurface opening that might be bridged by a formation of silt, gravel, humus, or any other material through which percolation into the channel or cave may occur. 2. A person commits the offense of polluting cave or subsurface waters if he or she purposely introduces into any cave, cave system, sinkhole or subsurface waters of the state any substance or structure that will or could violate any provision of the Missouri clean water law as set forth in chapter 644, or any water quality standard or effluent limitation promulgated pursuant thereto. 3. The provisions of this section do not apply: (1) Where natural subsurface drainage systems including, without limitation, caves, cave systems, sinkholes, fissures and related openings are used for purposes of storm water drainage, artificial recharge of aquifers, and irrigation return flow, and where modifications of natural drainage systems are made for purposes of improving natural drainage relationships; or (2) To vertical or horizontal underground mining operations. 4. No additional appropriations may be made for the enforcement of this section. 5. The offense of polluting cave or subsurface waters is a class A misdemeanor. ---------- (L. 1980 H.B. 1192 § 4, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.215; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.140 - Trespass in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.140. Trespass in the first degree — penalty. —1. A person commits the offense of trespass in the first degree if he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property. 2. A person does not commit the offense of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by: (1) Actual communication to the actor; or (2) Posting in a manner reasonably likely to come to the attention of intruders. 3. The offense of trespass in the first degree is a class B misdemeanor, unless the victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class A misdemeanor. If the building or real property is part of a nuclear power plant, the offense of trespass in the first degree is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2017 S.B. 34, A.L. 2018 H.B. 1797) CROSS REFERENCE: Streams and rivers, no civil liability for adjoining landowners, when, 258.200

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.145 - Posting of property against trespassers, purple paint used to mark streets and posts, requirements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.145. Posting of property against trespassers, purple paint used to mark streets and posts, requirements. —In addition to the posting of real property as set forth in section 569.140, the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be: (1) A vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such marks shall be placed no more than one hundred feet apart and shall be readily visible to any person approaching the property; or (2) A post capped or otherwise marked on at least its top two inches. The bottom of the cap or mark shall be not less than three feet but not more than five feet six inches high. Posts so marked shall be placed not more than thirty-six feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.--Posting in such a manner shall be found to be reasonably likely to come to the attention of intruders for the purposes of section 569.140. --Posting in such a manner shall be found to be reasonably likely to come to the attention of intruders for the purposes of section 569.140. ---------- (L. 1993 S.B. 84, A.L. 2009 S.B. 398, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.150 - Trespass in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.150. Trespass in the second degree — penalty. —1. A person commits trespass in the second degree if he or she enters unlawfully upon real property of another. This is an offense of absolute liability. 2. Trespass in the second degree is an infraction. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Streams and rivers, no civil liability for adjoining landowners,

when, 258.200 (1980) Trespass in the second degree is not a lesser included offense of burglary, as it does not require unlawful entering of a building. State v. Neighbors (A.), 613 S.W.2d 143.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.155 - Trespass of a school bus, penalty — schools to establish student behavior policy, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.155. Trespass of a school bus, penalty — schools to establish student behavior policy, when. —1. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus. 2. For the purposes of this section, the terms"unlawfully enters"and"unlawfully operates"refer to any entry or operation of a school bus which is not: (1) Approved of and established in a school district's written policy on access to school buses; or (2) Authorized by specific written approval of the school board. 3. In order to preserve the public order, any district which adopts the policies described in subsection 2 of this section shall establish and enforce a student behavior policy for students on school buses. 4. The offense of trespass of a school bus is a class A misdemeanor. ---------- (L. 2000 S.B. 944, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.160 - Burglary in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.160. Burglary in the first degree — penalty. —1. A person commits the offense of burglary in the first degree if he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing an offense therein, and when in effecting entry or while in the building or inhabitable structure or in immediate flight therefrom, the person or another participant in the offense: (1) Is armed with explosives or a deadly weapon; or (2) Causes or threatens immediate physical injury to any person who is not a participant in the crime; or (3) There is present in the structure another person who is not a participant in the crime. 2. The offense of burglary in the first degree is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 (1998) Criminal is armed upon equipping himself with a weapon for the purpose of stealing it. State v. Crews, 968 S.W.2d 763 (Mo.App. E.D.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.170 - Burglary in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.170. Burglary in the second degree — penalty. —1. A person commits the offense of burglary in the second degree when he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein. 2. The offense of burglary in the second degree is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 (1980) Trespass in the second degree is not a lesser included offense of burglary, as it does not require unlawful entering of a building. State v. Neighbors (A.), 613 S.W.2d 143. (1980) Trespass in the first degree is lesser included offense of burglary in second degree, as every element of lesser offense is included in greater offense of burglary, and it is impossible to commit burglary without also committing trespass. State v. Neighbors (A.), 613 S.W.2d 143. (1984) Crime of burglary requires proof of incursion into a building or inhabitable structure; an unlicensed entry upon open real property for whatever unlawful purpose does not constitute burglary. State v. Butler (Mo.App.), 665 S.W.2d 41. (1984) An entry, however slight, by any part of the defendant's body is sufficient to establish the element of entry. State v. Sincup (Mo.App.), 674 S.W.2d 689.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.180 - Possession of burglar's tools — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.180. Possession of burglar's tools — penalty. —1. A person commits the offense of possession of burglar's tools if he or she possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use or knowledge that some person has the purpose of using the same in making an unlawful forcible entry into a building or inhabitable structure or a room thereof. 2. The offense of possession of burglar's tools is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 (1984) It is not necessary that the tools be "breaking" tools but only that they be adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into the premises. A flashlight and a pair of gloves can qualify as burglar's tools. State v. Adkins (Mo.App.), 678 S.W.2d 855.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 569 - Arson, Burglary, Trespass, and Related OffensesSection 569.200 - Criminal mischief, offense of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 569 569.200. Criminal mischief, offense of — penalty. —1. A person commits the offense of criminal mischief if he or she unlawfully detains, occupies, or trespasses upon a residential dwelling. 2. The offense of criminal mischief is a class A misdemeanor. ---------- (L. 2024 H.B. 2062)

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.010 - Chapter definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.010. Chapter definitions. —As used in this chapter, the following terms mean: (1)"Adulterated", varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; (2)"Appropriate", to take, obtain, use, transfer, conceal, retain or dispose; (3)"Check", a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money; (4)"Coercion", a threat, however communicated: (a) To commit any offense; or (b) To inflict physical injury in the future on the person threatened or another; or (c) To accuse any person of any offense; or (d) To expose any person to hatred, contempt or ridicule; or (e) To harm the credit or business reputation of any person; or (f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or (g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat; (5)"Credit device", a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer; (6)"Dealer", a person in the business of buying and selling goods; (7)"Debit device", a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients; (8)"Deceit or deceive", making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise; (9)"Deprive": (a) To withhold property from the owner permanently; or (b) To restore property only upon payment of reward or other compensation; or (c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely; (10)"Electronic benefits card"or"EBT card", a debit card used to access food stamps or cash benefits issued by the department of social services; (11)"Financial institution", a bank, trust company, savings and loan association, or credit union; (12)"Food stamps", the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase food operated by the United States Department of Agriculture (USDA) in conjunction with the department of social services; (13)"Forcibly steals", a person, in the course of stealing, uses or threatens the immediate use of physical force upon another person for the purpose of: (a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or (b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft; (14)"Internet service", an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service; (15)"Means of identification", anything used by a person as a means to uniquely distinguish himself or herself; (16)"Merchant", a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill; (17)"Mislabeled", varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity; (18)"Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195; (19)"Property", anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument; (20)"Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the Missouri department of social services or any of its divisions; (21)"Services"includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles; (22)"Stealing-related offense", federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or

knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings; (23)"Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, or loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services; (24)"Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment; (25)"Voice over internet protocol service", a service that: (a) Enables real-time, two-way voice communication; (b) Requires a broadband connection from the user's location; (c) Requires internet protocol-compatible customer premises equipment; and (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network; (26)"Writing"includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification. ---------- (L. 1977 S.B. 60, A.L. 1979 H.B. 165, A.L. 1986 S.B. 450, A.L. 1999 S.B. 328, et al., A.L. 2002 H.B. 1888, A.L. 2014 S.B. 491, A.L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.020 - Determination of value.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.020. Determination of value. —For the purposes of this chapter, the value of property shall be ascertained as follows: (1) Except as otherwise specified in this section,"value"means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. If the victim is a merchant, and the property is a type that the merchant sells in the ordinary course of business, then the property shall be valued at the price that such merchant would normally sell such property; (2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows: (a) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied; (b) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument; (3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than seven hundred fifty dollars. ---------- (L. 1977 S.B. 60, A.L. 2002 H.B. 1888 merged with H.B. 2120, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.023 - Robbery in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.023. Robbery in the first degree — penalty. —1. A person commits the offense of robbery in the first degree if he or she forcibly steals property and in the course thereof he or she, or another participant in the offense: (1) Causes serious physical injury to any person; or (2) Is armed with a deadly weapon; or (3) Uses or threatens the immediate use of a dangerous instrument against any person; or (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or (5) Steals any controlled substance from a pharmacy. 2. The offense of robbery in the first degree is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 569.020; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.025 - Robbery in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.025. Robbery in the second degree — penalty. —1. A person commits the offense of robbery in the second degree if he or she forcibly steals property and in the course thereof causes physical injury to another person. 2. The offense of robbery in the second degree is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 569.030; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.027 - Vehicle hijacking, offense of — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.027. Vehicle

hijacking, offense of — penalties. —1. A person commits the offense of vehicle hijacking when he or she knowingly uses or threatens the use of physical force upon another person to seize or attempt to seize possession or control of a vehicle, as defined in section 302.010, from the immediate possession or control of another person. 2. The offense of vehicle hijacking is a class B felony unless it meets one of the criteria listed in subsection 3 of this section. 3. The offense of vehicle hijacking is a class A felony if, in the course thereof, a person or another participant in the offense: (1) Causes serious physical injury to any person in immediate possession, control, or presence of the vehicle; (2) Is armed with a deadly weapon; (3) Uses or threatens the immediate use of a dangerous instrument against any person; (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or (5) Seizes a vehicle, or attempts to seize a vehicle, in which a child or special victim as defined in section 565.002 is present. ---------- (L. 2020 S.B. 600)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.030 - Stealing — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.030. Stealing — penalties. —1. A person commits the offense of stealing if he or she: (1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen. 2. The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator. 3. The offense of stealing is a class B felony if: (1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen; (2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections; (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; (4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; or (5) The property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property. 4. The offense of stealing is a class C felony if the value of the property or services appropriated is twenty-five thousand dollars or more or the property is a teller machine or the contents of a teller machine, including cash, regardless of the value or amount. 5. The offense of stealing is a class D felony if: (1) The value of the property or services appropriated is seven hundred fifty dollars or more; (2) The offender physically takes the property appropriated from the person of the victim; or (3) The property appropriated consists of: (a) Any motor vehicle, watercraft or aircraft; (b) Any will or unrecorded deed affecting real property; (c) Any credit device, debit device or letter of credit; (d) Any firearms; (e) Any explosive weapon as defined in section 571.010; (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; (i) Any book of registration or list of voters required by chapter 115; (j) Any animal considered livestock as that term is defined in section 144.010; (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more; (l) Any captive wildlife held under permit issued by the conservation commission; (m) Any controlled substance as defined by section 195.010; (n) Ammonium nitrate; (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues. 6. The offense of stealing is a class E felony if: (1) The property appropriated is an animal; (2) The property is a catalytic converter; (3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; or (4) The property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by a common carrier or delivery service and not yet received by the addressee or that had been left to be collected for shipment by a common carrier or delivery service. 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related offense. 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this section. 9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021. 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may

be considered a separate felony and may be charged in separate counts. 11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section. ---------- (L. 1977 S.B. 60, A.L. 1981 S.B. 202, A.L. 1985 H.B. 333 & 64, A.L. 1996 S.B. 657, A.L. 1997 H.B. 635, A.L. 1998 H.B. 1147, et al., A.L. 2001 H.B. 471 merged with S.B. 89 & 37, A.L. 2002 H.B. 1888 merged with S.B. 712, A.L. 2003 S.B. 5, A.L. 2004 S.B. 1211, A.L. 2005 H.B. 353, A.L. 2009 H.B. 62, A.L. 2013 S.B. 9, A.L. 2014 S.B. 491, A.L. 2016 S.B. 624, A.L. 2021 H.B. 69 merged with H.B. 271, A.L. 2023 S.B. 186) CROSS REFERENCE: Child support, retention of erroneously paid support to be crime of stealing, when, 454.531 (1984) Conviction for "stealing by deceit" requires proof that the victim relied on the defendant's false pretense or representation; no reliance is shown when store employees are fully aware of acts later sought to be made the basis of a false pretense. State v. Young (Mo.App.), 672 S.W.2d 366. (1984) One can be found guilty of stealing property to which he has legal title. State v. Smith (Mo.App.), 684 S.W.2d 576. (1984) Owner of the stolen property need not be experienced in valuating property to express an opinion of its value. The owner's opinion of the value of the stolen property may be considered substantial evidence of its worth. State v. Reilly (Mo. banc), 674 S.W.2d 530. (1986) This section does not apply where a debtor uses false information to get an extension on an outstanding debt. State v. Grainger, 721 S.W.2d 237 (Mo.App.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.039 - Cable television services, appropriation of — not stealing, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.039. Cable television services, appropriation of — not stealing, when. —A person who appropriates cable television service shall not be deemed to have stolen that service within the meaning of section 570.030, if a cable television company either: (1) Provides unsolicited cable television service; or (2) Fails to change or disconnect cable television service within ten days after receiving written notice to do so by the customer. The customer may deem such service to be a gift without any obligation to the cable television company from ten days after such written notice is received until the service is changed or disconnected. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.053 - Feigned blindness — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.053. Feigned blindness — penalty. —1. A person commits the offense of feigned blindness if he or she simulates blindness or pretends to be a blind person with the purpose of obtaining something of value from another person by deceit. 2. The offense of feigned blindness is a class A misdemeanor. ---------- (L. 1983 H.B. 703 § 1, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.075; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.057 - Stealing leased or rented property — evidence of intent to violate, when — law enforcement procedure — venue — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.057. Stealing leased or rented property — evidence of intent to violate, when — law enforcement procedure — venue — penalties. —1. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person: (1) Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property; (2) Conceals or aids or abets the concealment of the property from the owner; (3) Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to that the property is subject to a lease; (4) Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges. 2. The provisions of this section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee. 3. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this section, except that if a motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the crime of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles. Any law enforcement officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he may recover such

motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five days notify the person who leased or rented the property that such person is in violation of this section, and that failure to immediately return the property may subject such person to arrest for the violation. 4. This section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten days after proper notice. 5. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to section 569.100 or 569.120, in addition to being in violation of this section. 6. Venue shall lie in the county where the personal property was originally rented or leased. 7. The offense of stealing leased or rented property is a class A misdemeanor unless the property involved has a value of seven hundred fifty dollars or more, in which case stealing leased or rented property is a class D felony. ---------- (L. 1981 H.B. 78 § 1, A.L. 1992 H.B. 958, A.L. 1993 S.B. 180, A.L. 2002 H.B. 1888, A.L. 2011 H.B. 111, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.150; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.060 - Lost property.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.060. Lost property. —1. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of section 570.030 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as to the true owner. 2. The defendant shall have the burden of injecting the issue of lost property. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.070 - Claim of right.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.070. Claim of right. —1. A person does not commit an offense under section 570.030 if, at the time of the appropriation, he or she: (1) Acted in the honest belief that he had the right to do so; or (2) Acted in the honest belief that the owner, if present, would have consented to the appropriation. 2. The defendant shall have the burden of injecting the issue of claim of right. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.085 - Alteration or removal of item numbers with intent to deprive lawful owner — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.085. Alteration or removal of item numbers with intent to deprive lawful owner — penalties. —1. A person commits the offense of alteration or removal of item numbers if he or she, with the purpose of depriving the owner of a lawful interest therein: (1) Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed, removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or other distinguishing owner-applied number or mark, on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item, for any reason whatsoever; (2) Sells, offers for sale, pawns or uses as security for a loan, any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced; or (3) Buys, receives as security for a loan or in pawn, or in any manner receives or has in his possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced. 2. The offense of alteration or removal of item numbers is a class E felony if the value of the item or items in the aggregate is seven hundred fifty dollars or more; otherwise it is a class B misdemeanor. ---------- (L. 1982 H.B. 1454, et al., A.L. 2002 H.B. 1888, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.090 - Forgery — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.090. Forgery — penalty. —1. A person commits the offense of forgery if, with the purpose to defraud, the person: (1) Makes, completes, alters or authenticates any writing so that it purports to have been made by another or at another time or place or in a numbered sequence other than was in fact the case or with different terms or by authority of one who did not give such authority; or (2) Erases, obliterates or destroys any writing; or (3) Makes or alters anything other than a writing, including receipts and universal product codes, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship which it does not possess; or (4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with the knowledge or belief that it will be used as genuine, any writing or other thing including receipts and universal product codes, which the person knows has been made or altered in the

manner described in this section. 2. The offense of forgery is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 2002 H.B. 1888, A.L. 2014 S.B. 491) Effective 1-01-17 (2013) Prosecution for forgery based on defendant's signature on employment application containing false Social Security number is not preempted by federal immigration law. State v. Diaz-Rey, 397 S.W.3d 5 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.095 - Filing false documents, offense of, elements — penalty, enhancement — restitution, when — system to log suspected fraudulent documents, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.095. Filing false documents, offense of, elements — penalty, enhancement — restitution, when — system to log suspected fraudulent documents, procedure. —1. A person commits the offense of filing false documents if: (1) With the intent to defraud, deceive, harass, alarm, or negatively impact financially, or in such a manner reasonably calculated to deceive, defraud, harass, alarm, or negatively impact financially, he or she files, causes to be filed or recorded, or attempts to file or record, creates, uses as genuine, transfers or has transferred, presents, or prepares with knowledge or belief that it will be filed, presented, recorded, or transferred to the secretary of state or the secretary's designee, to the recorder of deeds of any county or city not within a county or the recorder's designee, to any municipal, county, district, or state government entity, division, agency, or office, or to any credit bureau or financial institution any of the following types of documents: (a) Common law lien; (b) Uniform commercial code filing or record; (c) Real property recording; (d) Financing statement; (e) Contract; (f) Warranty, special, or quitclaim deed; (g) Quiet title claim or action; (h) Deed in lieu of foreclosure; (i) Legal affidavit; (j) Legal process; (k) Legal summons; (l) Bills and due bills; (m) Criminal charging documents or materially false criminal charging documents; (n) Any other document not stated in this subdivision that is related to real property; or (o) Any state, county, district, federal, municipal, credit bureau, or financial institution form or document; and (2) Such document listed under subdivision (1) of this subsection contains materially false information; is fraudulent; is a forgery, as defined under section 570.090; lacks the consent of all parties listed in a document that requires mutual consent; or is invalid under Missouri law. 2. Filing false documents under this section is a class D felony for the first offense except the following circumstances shall be a class C felony: (1) The defendant has been previously found guilty or pleaded guilty to a violation of this section; (2) The victim or named party in the matter: (a) Is an official elected to municipal, county, district, federal, or statewide office; (b) Is an official appointed to municipal, county, district, federal, or statewide office; or (c) Is an employee of an official elected or appointed to municipal, county, district, federal, or statewide office; (3) The victim or named party in the matter is a judge or magistrate of: (a) Any court or division of the court in this or any other state or an employee thereof; or (b) Any court system of the United States or is an employee thereof; (4) The victim or named party in the matter is a full-time, part-time, or reserve or auxiliary peace officer, as defined under section 590.010, who is licensed in this state or any other state; (5) The victim or named party in the matter is a full-time, part-time, or volunteer firefighter in this state or any other state; (6) The victim or named party in the matter is an officer of federal job class 1811 who is empowered to enforce United States laws; (7) The victim or named party in the matter is a law enforcement officer of the United States as defined under 5 U.S.C. Section 8401(17)(A) or (D); (8) The victim or named party in the matter is an employee of any law enforcement or legal prosecution agency in this state, any other state, or the United States; (9) The victim or named party in the matter is an employee of a federal agency that has agents or officers of job class 1811 who are empowered to enforce United States laws or is an employee of a federal agency that has law enforcement officers as defined under 5 U.S.C. Section 8401(17)(A) or (D); or (10) The victim or named party in the matter is an officer of the railroad police as defined under section 388.600. 3. For a penalty enhancement as described under subsection 2 of this section to apply, the occupation of the victim or named party shall be material to the subject matter of the document or documents filed or the relief sought by the document or documents filed, and the occupation of the victim or named party shall be materially connected to the apparent reason that the victim has been named, victimized, or involved. For purposes of subsection 2 of this section and this subsection, a person who has retired or resigned from any agency, institution, or occupation listed under subsection 2 of this section shall be considered the same as a person who remains in employment and shall also include the following family members of a person listed under subdivisions (2) to (9) of subsection 2 of this section: (1) Such person's spouse; (2) Such person or such person's spouse's ancestor or descendant by blood or adoption; or (3) Such person's stepchild while the marriage creating that relationship exists. 4. Any person who pleads guilty or is found guilty under subsections 1 to 3 of this section shall be ordered by the court to make full restitution to any person or entity that has sustained actual losses or costs as a result of the actions of the defendants. Such restitution shall not be paid in lieu of jail or prison time but rather in addition to any jail or prison time imposed by the court. 5. (1) Nothing in this section shall limit the power of the state to investigate, charge, or punish any person for any conduct that constitutes a crime by any other statute of this state or the United States. (2) No receiving entity shall be required under this section to retain the filing or record for prosecution under this section. A filing or record being rejected by the receiving entity shall not be used as an affirmative defense. 6. (1) Any agency of the state, a county, or a city not within a county that is responsible for or receives document filings or records, including county recorders of deeds and the secretary of state's office, shall, by January 1, 2019, impose a system in which the documents that have been submitted to the receiving agency, or those filings rejected by the secretary of state under its legal authority, are logged or noted in a ledger, spreadsheet, or similar recording method if the filing or recording officer or employee believes the filings or records appear to be fraudulent or contain suspicious language. The receiving agency shall make noted documents available for review by: (a) The jurisdictional prosecuting or circuit attorney or such attorney's designee; (b) The county sheriff or the sheriff's designee; (c) The police chief of a county or city not within a county or such chief's designee; or (d) A

commissioned peace officer as defined under section 590.010. --Review of such documents is permissible for the agent or agencies under this subdivision without the need of a grand jury subpoena or court order. No fees or monetary charges shall be levied on the investigative agents or agencies for review of documents noted in the ledger or spreadsheet. The ledger or spreadsheet and its contents shall be retained by the agency that controls entries into such ledger or spreadsheet for a minimum of three years from the earliest entry listed in the ledger or spreadsheet. (2) The receiving entity shall, upon receipt of a filing or record that has been noted as a suspicious filing or record, notify the chief law enforcement officer or such officer's designee of the county and the prosecutor or the prosecutor's designee of the county of the filing's or record's existence. Such notification shall be made within two business days of the filing or record having been received. Notification may be accomplished via email or via paper memorandum. (3) No agency receiving the filing or record shall be required under this section to notify the person conducting the filing or record that the filing or record is entered as a logged or noted filing or record. (4) Reviews to ensure compliance with the provisions of this section shall be the responsibility of any commissioned peace officer. Findings of noncompliance shall be reported to the jurisdictional prosecuting or circuit attorney or such attorney's designee by any commissioned peace officer who has probable cause to believe that the noncompliance has taken place purposely, knowingly, recklessly, or with criminal negligence, as described under section 562.016. 7. To petition for a judicial review of a filing or record that is believed to be fraudulent, false, misleading, forged, or contains materially false information, a petitioner may file a probable cause statement that delineates the basis for the belief that the filing or record is materially false, contains materially false information, is a forgery, is fraudulent, or is misleading. This probable cause statement shall be filed in the associate or circuit court of the county in which the original filing or record was transferred, received, or recorded. 8. A filed petition under this section shall have an initial hearing date within twenty business days of the date the petition is filed with the court. A court ruling of invalid shall be evidence that the original filing or record was not accurate, true, or correct. A court ruling of invalid shall be retained or recorded at the original receiving entity. The receiving entity shall waive all filing or recording fees associated with the filing or recording of the court ruling document in this subsection. Such ruling may be forwarded to credit bureaus or other institutions at the request of the petitioner via motion to the applicable court at no additional cost to the petitioner. 9. If a filing or record is deemed invalid, court costs and fees are the responsibility of the party who originally initiated the filing or record. If the filing or record is deemed valid, no court costs or fees, in addition to standard filing fees, shall be assessed. ---------- (L. 2018 H.B. 1769)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.100 - Possession of a forging instrumentality — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.100. Possession of a forging instrumentality — penalty. —1. A person commits the offense of possession of a forging instrumentality if, with the purpose of committing forgery, he or she makes, causes to be made or possesses any plate, mold, instrument or device for making or altering any writing or anything other than a writing. 2. The offense of possession of a forging instrumentality is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.103 - Crime of counterfeiting, definitions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.103. Crime of counterfeiting, definitions — penalty. —1. As used in this section and section 570.105, the following words mean: (1)"Counterfeit mark", any unauthorized reproduction or copy of intellectual property or intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property; (2)"Intellectual property", any trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify such person's goods or services; (3)"Retail value", the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized. 2. A person commits the offense of counterfeiting if he or she willfully manufactures, uses, displays, advertises, distributes, offers for sale, sells, or possesses for the purpose of selling or distributing any item, or services, bearing or identified by a counterfeit mark. A person having possession, custody or control of more than twenty-five items bearing a counterfeit mark shall be presumed to possess said items for the purpose of selling or distributing. 3. The offense of counterfeiting is a class A misdemeanor, except as provided in subsections 4 and 5 of this section. 4. The offense of counterfeiting is a class E felony if: (1) The defendant has previously been convicted under this section; or (2) The violation involves more than one hundred but fewer than one thousand items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is seven hundred fifty dollars or more. 5. The offense of counterfeiting is a class D felony if: (1) The defendant has been previously convicted of two or more offenses under this section; (2) The violation involves the manufacture or production of items bearing counterfeit marks; or (3) The violation involves one thousand or more items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is twenty-five thousand dollars or more. 6. For purposes of this section, the quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses. 7. The remedies provided for herein shall be cumulative to the other civil remedies provided by law. 8. Any state or federal certificate of registration of any intellectual property shall be prima facie evidence of the facts stated therein.

---------- (L. 1998 H.B. 1779, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.105 - Seizure and forfeiture of counterfeit property.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.105. Seizure and forfeiture of counterfeit property. —1. Any items bearing a counterfeit mark, and all personal property, including but not limited to, any items, objects, tools, machines, equipment, instrumentalities or vehicles of any kind, employed or used in connection with a violation of section 570.103 or this section shall be seized by any law enforcement officer. All seized personal property shall be forfeited in accordance with section 513.600, et seq. 2. Upon the request of the intellectual property owner, all seized items bearing a counterfeit mark shall be released to the intellectual property owner for destruction or disposition. If the intellectual property owner does not request release of seized items bearing a counterfeit mark, such items shall be destroyed unless the intellectual property owner consents to another disposition. ---------- (L. 1998 H.B. 1779)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.110 - Issuing a false instrument or certificate — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.110. Issuing a false instrument or certificate — penalty. —1. A person commits the offense of issuing a false instrument or certificate when, being authorized by law to take proof or acknowledgment of any instrument which by law may be recorded, or being authorized by law to make or issue official certificates or other official written instruments, he or she issues such an instrument or certificate, or makes the same with the purpose that it be issued, knowing: (1) That it contains a false statement or false information; or (2) That it is wholly or partly blank. 2. The offense of issuing a false instrument or certificate is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 (1996) "Issue" means to deliver from authority and does not require public distribution or circulation. State v. Moriarty, 914 S.W.2d 416 (Mo.App.W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.120 - Crime of passing bad checks, penalty — actual notice given, when — administrative handling costs, amount, deposit in fund — use of fund — additional costs, amount — payroll checks, action, when — service charge may be collected — return of bad check to depositor by financial institution must be on condition that issuer is identifiable.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.120. Crime of passing bad checks, penalty — actual notice given, when — administrative handling costs, amount, deposit in fund — use of fund — additional costs, amount — payroll checks, action, when — service charge may be collected — return of bad check to depositor by financial institution must be on condition that issuer is identifiable. —1. A person commits the offense of passing a bad check when he or she: (1) With the purpose to defraud, makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or (2) Makes, issues, or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in full and all other checks, sight orders, or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee. 2. As used in subdivision (2) of subsection 1 of this section,"actual notice in writing"means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept. 3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense. 4. The offense of passing bad checks is a class A misdemeanor, unless: (1) The face amount of the check or sight order or the aggregated amounts is seven hundred fifty dollars or more; or (2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued,--in which case passing a bad check is a class E felony. --in which case passing a bad check is a class E felony. 5. In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action pursuant to the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county treasurer into the administrative handling cost fund, established under section 559.100. Notwithstanding any law to

the contrary, in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All moneys collected pursuant to this section which are payable to the Missouri office of prosecution services fund shall be transmitted at least monthly by the county treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under the procedure established pursuant to subsection 2 of section 56.765. 6. Notwithstanding any other provision of law to the contrary: (1) In addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check, shall be turned over to the party to whom the bad check was issued; (2) If a check that is dishonored or returned unpaid by a financial institution is not referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may collect from the issuer, in addition to the face amount of the check, a reasonable service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository institution for the return of each unpaid or dishonored instrument. 7. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check. ---------- (L. 1977 S.B. 60, A.L. 1989 S.B. 310, A.L. 1992 S.B. 705, A.L. 1993 S.B. 180, A.L. 2001 H.B. 80, A.L. 2002 H.B. 1888, A.L. 2005 H.B. 353, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCE: Taxes paid with bad checks, penalty, 139.235

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.125 - Fraudulently stopping payment on an instrument — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.125. Fraudulently stopping payment on an instrument — penalties. —1. A person commits the offense of fraudulently stopping payment of an instrument if he or she, with the purpose to defraud, stops payment on a check, draft, or debit device used in payment for the receipt of goods or services. 2. The offense of fraudulently stopping payment of an instrument is a class A misdemeanor, unless the face amount of the check or draft is seven hundred fifty dollars or more or, if the stopping of payment of more than one check or draft is involved in the same course of conduct, the aggregate amount is seven hundred fifty dollars or more, in which case the offense is a class E felony. 3. It shall be prima facie evidence of a violation of this section if a person stops payment on a check, draft, or debit device and fails to make good the check, draft, or debit device transaction, or fails to return or make and comply with reasonable arrangements to return the property for which the check, draft, or debit device was used in the same or substantially the same condition as when received within ten days after notice in writing from the payee that the check, draft, or debit device transaction has not been paid because of a stop payment order by the issuer to the drawee. 4."Notice in writing"means notice deposited as certified or registered mail in the United States mail and addressed to the issuer at his address as it appears on the dishonored check, draft, or debit device transaction or to his last known address. The notice shall contain a statement that failure to make good the check, draft, or debit device transaction within ten days of receipt of the notice may subject the issuer to criminal prosecution. ---------- (L. 1983 S.B. 75, A.L. 1985 S.B. 264, A.L. 2002 H.B. 1888, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.130 - Fraudulent use of a credit device or debit device — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.130. Fraudulent use of a credit device or debit device — penalty. —1. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of obtaining services or property, knowing that: (1) The device is stolen, fictitious or forged; or (2) The device has been revoked or cancelled; or (3) For any other reason his or her use of the device is unauthorized; or (4) Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this section if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri department of revenue. 2. The offense of fraudulent use of a credit device or debit device is a class A misdemeanor unless the value of the property tax or the value of the property or services obtained or sought to be obtained within any thirty-day period is seven hundred fifty dollars or more, in which case fraudulent use of a credit device or debit device is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 1999 S.B. 328, et al., A.L. 2002 H.B. 1888 merged with S.B. 895, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.135 - Fraudulent procurement of a credit or debit card — penalty — limitation of liability.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.135. Fraudulent procurement of a credit or debit card — penalty — limitation of liability. —1. A person commits the offense of fraudulent procurement of a credit or debit device if he or she: (1) Knowingly makes or causes to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit or debit device; (2) Knowingly obtains a means of identification of another person without the authorization of that person and uses that means of identification fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the

consent of that person; or (3) Knowingly possesses a fraudulently obtained credit or debit device. 2. The offense of fraudulent procurement of a credit or debit device is a class A misdemeanor. 3. Notwithstanding any other provision of this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership or other business entity shall be criminally liable under this section for accepting applications for credit or debit devices or for the use of a credit or debit device in any transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procuring of the issuance of a credit or debit device. ---------- (L. 1999 S.B. 386 § 2, A.L. 2014 S.B. 491, A.L. 2016 S.B. 624) Effective 1-01-2017

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.140 - Deceptive business practice — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.140. Deceptive business practice — penalty. —1. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or she recklessly: (1) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; (2) Sells, offers, displays for sale, or delivers less than the represented quantity of any commodity or service; (3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure; (4) Sells, offers, or exposes for sale adulterated or mislabeled commodities; (5) Makes a false or misleading written statement for the purpose of obtaining property or credit; (6) Promotes the sale of property or services by a false or misleading statement in any advertisement; or (7) Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services: (a) At the price which he or she offered them; (b) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or (c) At all. 2. The offense of deceptive business practice is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.145 - Financial exploitation of the elderly person or person with a disability — penalties — certain defense prohibited, additional violation, restitution.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.145. Financial exploitation of the elderly person or person with a disability — penalties — certain defense prohibited, additional violation, restitution. —1. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefitting the offender or detrimentally affecting the elderly person or person with a disability by: (1) Deceit; (2) Coercion; (3) Creating or confirming another person's impression which is false and which the offender does not believe to be true; (4) Failing to correct a false impression which the offender previously has created or confirmed; (5) Preventing another person from acquiring information pertinent to the disposition of the property involved; (6) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; (7) Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or (8) Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority. 2. The offense of financial exploitation of an elderly person or person with a disability is a class A misdemeanor unless: (1) The value of the property is fifty dollars or more, in which case it is a class E felony; (2) The value of the property is seven hundred fifty dollars or more, in which case it is a class D felony; (3) The value of the property is five thousand dollars or more, in which case it is a class C felony; (4) The value of the property is twenty-five thousand dollars or more, in which case it is a class B felony; or (5) The value of the property is seventy-five thousand dollars or more, in which case it is a class A felony. 3. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence. 4. Nothing in this section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance. 5. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly person or person with a disability has become accustomed at the time of such actions. 6. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability. 7. (1) It shall be unlawful in violation of this section for any person receiving or in the possession of funds of a Medicaid-eligible elderly person or person with a disability residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, Social Security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the department of social services, family support division or its successor. The department of social services, family support division or its successor is authorized to release information from its records containing the resident's

income or assets to any prosecuting or circuit attorney in the state of Missouri for purposes of investigating or prosecuting any suspected violation of this section. (2) The prosecuting or circuit attorney of any county containing a facility licensed under chapter 198, who successfully prosecutes a violation of the provisions of this subsection, may request the circuit court of the county in which the offender admits to or is found guilty of a violation, as a condition of sentence and/or probation, to order restitution of all amounts unlawfully withheld from a facility in his or her county. Any order of restitution entered by the court or by agreement shall provide that ten percent of any restitution installment or payment paid by or on behalf of the defendant or defendants shall be paid to the prosecuting or circuit attorney of the county successfully prosecuting the violation to compensate for the cost of prosecution with the remaining amount to be paid to the facility. ---------- (L. 2000 H.B. 1386 & 1086, A.L. 2003 S.B. 556 & 311, A.L. 2005 H.B. 353, A.L. 2012 S.B. 689, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.150 - Commercial bribery — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.150. Commercial bribery — penalty. —1. A person commits the offense of commercial bribery if he or she: (1) Solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity, which he or she is subject to as: (a) An agent or employee of another; (b) A trustee, guardian or other fiduciary; (c) A lawyer, physician, accountant, appraiser or other professional adviser or informant; (d) An officer, director, partner, manager or other participant in the direction of the affairs of an incorporated or unincorporated association; or (e) An arbitrator or other purportedly disinterested adjudicator or referee; (2) As a person who holds himself or herself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of commodities or services, solicits, accepts or agrees to accept any benefit to influence his or her selection, appraisal or criticism; (3) Confers or offers or agrees to confer any benefit the acceptance of which would be criminal under subdivisions (1) and (2) of this section. 2. The offense of commercial bribery is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.180 - Defrauding secured creditors — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.180. Defrauding secured creditors — penalty. —1. A person commits the offense of defrauding secured creditors if he or she destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with purpose to defraud the holder of the security interest. 2. The offense of defrauding secured creditors is a class A misdemeanor unless the amount remaining to be paid on the secured debt, including interest, is seven hundred fifty dollars or more, in which case defrauding secured creditors is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.210 - Library theft, guilty of stealing.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.210. Library theft, guilty of stealing. —1. Any person who: (1) Knowingly removes any library material from the premises of a library without authorization; (2) Borrows or attempts to borrow any library material from a library by the unauthorized use of a library card; (3) Borrows library materials from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and fails to return the library material to the library; or (4) Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book, document, or other library material belonging to, on loan to, or otherwise in the custody of a library;--shall be deemed to have appropriated said item with the intent to deprive the library of said item without its consent and shall be guilty of the offense of stealing under section 570.030. --shall be deemed to have appropriated said item with the intent to deprive the library of said item without its consent and shall be guilty of the offense of stealing under section 570.030. 2. It shall be prima facie evidence of the person's purpose to deprive the library of the library materials if, within ten days after notice in writing deposited as certified mail from the library demanding the return of such library material, such person without good cause shown fails to return the library material. A person is presumed to have received the notice required by this subsection if the library mails such notice to the last address provided to the library by such person. Payment to the library, in an amount equal to the cost of replacement of an item of no historical significance shall be considered returning the item for purposes of this subsection. ---------- (L. 1986 S.B. 450, A.L. 2002 H.B. 1888, A.L. 2004 S.B. 1211, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.217 - Misapplication of funds of a financial institution — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.217. Misapplication of funds of a financial institution — penalties. —1. A person commits the offense of misapplication of funds of a financial institution if, being an officer, director, agent, or employee of, or connected in any capacity with, any financial institution, he or she embezzles, appropriates, or purposely misapplies any of the money, funds, or credits of such financial institution or any moneys, funds, assets, or securities entrusted to the custody or care of such financial institution, or to the custody or care of any such

agent, officer, director, employee, or receiver. 2. The offense of misapplication of funds of a financial institution is a class E felony, unless the amount embezzled, appropriated, or misapplied is seven hundred fifty dollars or more, in which case it is a class D felony. ---------- (L. 1985 H.B. 408 § 570.195, A.L. 1991 H.B. 206, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.219 - False entries in the records of a financial institution with intent to defraud — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.219. False entries in the records of a financial institution with intent to defraud — penalty. —1. A person commits the offense of making false entries in the records of a financial institution if he or she makes any false entry in any book, report, or statement of a financial institution with intent to injure or defraud such financial institution, or any other entity, or with intent to deceive any officer or director of a financial institution or any agent or examiner appointed to examine the affairs of such financial institution. 2. The offense of making false entries in the records of a financial institution is a class D felony. ---------- (L. 1985 H.B. 408 § 570.200, A.L. 1991 H.B. 206, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.220 - Check kiting — collected funds defined — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.220. Check kiting — collected funds defined — penalty. —1. A person commits the offense of check kiting if he or she, with intent to defraud, obtains money from a financial institution by drawing a check against an account in which there is not sufficient collected funds to pay the check and, he or she purports to cover that check by depositing in such account another check drawn against insufficient collected funds. 2. For purposes of this section, the term"collected funds"means that portion of a deposit account representing checks and other credits as to which the depositary has directly and affirmatively verified that final payment has been made or, in the alternative, with respect to checks as to which at least ten business days have elapsed, without return of the checks, since presentation for payment. 3. The offense of check kiting is a class E felony. ---------- (L. 1985 H.B. 408 § 570.210, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.223 - Identity theft — penalty — restitution — other civil remedies available — exempted activities.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.223. Identity theft — penalty — restitution — other civil remedies available — exempted activities. —1. A person commits the offense of identity theft if he or she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer or use, one or more means of identification not lawfully issued for his or her use. 2. The offense of identity theft is a class B misdemeanor unless the identity theft results in the theft or appropriation of credit, money, goods, services, or other property: (1) Not exceeding seven hundred fifty dollars in value, in which case it is a class A misdemeanor; (2) Exceeding seven hundred fifty dollars and not exceeding twenty-five thousand dollars in value, in which case it is a class D felony; (3) Exceeding twenty-five thousand dollars and not exceeding seventy-five thousand dollars in value, in which case it is a class C felony; (4) Exceeding seventy-five thousand dollars in value, in which case it is a class B felony. 3. In addition to the provisions of subsection 2 of this section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim: (1) In clearing the credit history or credit rating of the victim; and (2) In connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant. 4. In addition to the criminal penalties in subsections 2 and 3 of this section, any person who commits an act made unlawful by subsection 1 of this section shall be liable to the person to whom the identifying information belonged for civil damages of up to five thousand dollars for each incident, or three times the amount of actual damages, whichever amount is greater. A person damaged as set forth in subsection 1 of this section may also institute a civil action to enjoin and restrain future acts that would constitute a violation of subsection 1 of this section. The court, in an action brought under this subsection, may award reasonable attorneys' fees to the plaintiff. 5. If the identifying information of a deceased person is used in a manner made unlawful by subsection 1 of this section, the deceased person's estate shall have the right to recover damages pursuant to subsection 4 of this section. 6. Civil actions under this section must be brought within five years from the date on which the identity of the wrongdoer was discovered or reasonably should have been discovered. 7. Civil action pursuant to this section does not depend on whether a criminal prosecution has been or will be instituted for the acts that are the subject of the civil action. The rights and remedies provided by this section are in addition to any other rights and remedies provided by law. 8. This section and section 570.224 shall not apply to the following activities: (1) A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors; (2) A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction; (3) A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution; (4) A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so; (5) A person is otherwise authorized by law to engage in the conduct that is the subject of the

prosecution. 9. Notwithstanding the provisions of subdivision (1) or (2) of subsection 2 of this section, every person who has previously been found guilty of identity theft or attempted identity theft, and who subsequently is found guilty of identity theft or attempted identity theft of credit, money, goods, services, or other property not exceeding seven hundred fifty dollars in value is guilty of a class E felony and shall be punished accordingly. 10. If credit, property, or services are obtained by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the identity thefts are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single identity theft and the value may be the total value of all credit, property, and services involved. ---------- (L. 1999 S.B. 328, et al., A.L. 2004 H.B. 916, A.L. 2004 H.B. 959, A.L. 2005 H.B. 353 merged with S.B. 402, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.224 - Trafficking in stolen identities — possession of documents, exemptions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.224. Trafficking in stolen identities — possession of documents, exemptions — penalty. —1. A person commits the offense of trafficking in stolen identities if he or she, for the purpose of committing identity theft, manufactures, sells, transfers, or possesses with intent to sell or transfer means of identification. 2. Possession of five or more means of identification of the same person or possession of means of identification of five or more separate persons shall be evidence that the identities are possessed with intent to manufacture, sell, or transfer means of identification for the purpose of committing identity theft. In determining possession of five or more means of identification of the same person, or possession of means of identification of five or more separate persons for the purposes of evidence pursuant to this subsection, the following do not apply: (1) The possession of his or her own identification documents; (2) The possession of the identification documents of a person who has consented to the person at issue possessing his or her identification documents. 3. The offense of trafficking in stolen identities is a class B felony. ---------- (L. 2004 H.B. 916, A.L. 2004 H.B. 959, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.225 - Misappropriation of intellectual property — penalty — definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.225. Misappropriation of intellectual property — penalty — definitions. —1. A person commits the offense of misappropriation of intellectual property if he or she, without the consent of the owner: (1) Copies any sounds recorded on any medium now known or later developed on which sounds are recorded, with the purpose to sell or cause to be sold for profit or used to promote the sale of any article on which sounds are transferred, except that this section shall only apply to sound recordings initially fixed prior to February 15, 1972; (2) Records sounds or images of any performance whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell the performance or cause it to be sold for profit; (3) Offers for sale, sells, or processes for such purposes any article that has been produced in violation of subdivision (1) or (2) of subsection 1 of this section, knowing, or having reasonable grounds to know, that the sounds or images thereon have been so copied or recorded without the consent of the owner; or (4) Advertises, rents, sells, offers for rental or sale, or possesses for such purposes any medium now known or later developed on which sounds or images are recorded if the article's label, cover, box or jacket does not contain in clearly readable print the name and address of the manufacturer. 2. This section shall not apply to: (1) Any radio or television broadcaster who transfers any such sounds as part of, or in connection with, a radio or television broadcast transmission or for archival preservation; (2) Any person transferring any such sounds at home for his or her personal use without any compensation being derived by such person or any other person from such transfer; or (3) Any cable television company that transfers any such sounds as part of its regular cable television service. 3. The offense of misappropriation of intellectual property is a class A misdemeanor unless: (1) One hundred or more articles were involved; or (2) A person is found guilty of violating this section, and that person has previously been found guilty of a violation of this section;--in which case it is a class D felony. --in which case it is a class D felony. 4. As used in this section, the following terms mean: (1)"Audiovisual works", works that consist of a series of related images which are intrinsically intended to be shown by the use of machines, electronic equipment or other devices, now known or later developed, together with accompanying sounds, if any; (2)"Manufacturer", the person who transfers or causes to be transferred any sounds or images to the particular article, medium, recording or other physical embodiment of such sounds or images then in issue; (3)"Motion pictures", audiovisual works consisting of a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any; (4)"Owner", the person who owns the sounds of any performance not yet fixed in a medium of expression, or the original fixation of sounds embodied in the master device or medium now known or later developed for the use of reproducing sounds, or other articles or media upon which sound is or may be recorded, and from which the copied recorded sounds are directly or indirectly derived; (5)"Person", any natural person, corporation or other business entity. ---------- (L. 1977 S.B. 92 § 1, A.L. 1993 S.B. 180, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.300 - Facilitating the theft of cable television service — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.300. Facilitating the theft of cable television service — penalty. —1. A person commits the offense of facilitating the theft of cable

television service if he or she knowingly sells, uses, manufactures, rents, or offers for sale, rental, or use any device, plan, or kit designed and intended to obtain cable television without paying all lawful compensation to the operator of such service. 2. The offense of facilitating theft of cable television service is a class D felony. 3. Nothing in this section shall be construed to render unlawful or prohibit an individual or other legal entity from owning or operating a video cassette recorder or devices commonly known as a satellite receiving dish for the purpose of receiving and utilizing satellite-relayed television signals for his or her own use. ---------- (L. 1986 S.B. 450 § 18, A.L. 2002 H.B. 1888, A.L. 2005 H.B. 353, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.302 - Operating an audiovisual recording device in a motion picture theater — definitions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.302. Operating an audiovisual recording device in a motion picture theater — definitions — penalty. —1. A person commits the offense of operating an audiovisual recording device in a motion picture theater if he or she, while a motion picture is being exhibited, knowingly operates an audiovisual recording function of a device in a motion picture theater without the consent of the owner or lessee of the motion picture theater. 2. As used in this section, the term"audiovisual recording function"means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology now known or later developed. 3. As used in this section, the term"motion picture theater"means a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the offense, but excluding the lobby, entrance, or other areas of the building where a motion picture cannot be viewed. 4. The provisions of this section shall not prevent any lawfully authorized investigative, law enforcement protective, or intelligence-gathering employee or agent, of the state or federal government, from operating any audiovisual recording device in any facility where a motion picture is being exhibited, as part of lawfully authorized investigative, protective, law enforcement, or intelligence-gathering activities. The owner or lessee of a facility where a motion picture is being exhibited, or the authorized agent or employee of such owner or lessee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken by such owner, lessee, agent, or employee in the course of subsequently detaining a person that the owner, lessee, agent, or employee in good faith believed to have violated this section while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that such measures were unreasonable or the period of detention was unreasonably long. 5. The offense of operating an audiovisual recording device in a motion picture theater is a class A misdemeanor, unless the person has previously been found guilty of violating the provisions of this section, in which case it is a class E felony. ---------- (L. 2005 H.B. 353, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.500; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.310 - Mortgage fraud — penalty — venue.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.310. Mortgage fraud — penalty — venue. —1. A person commits the offense of mortgage fraud if he or she, in connection with the application for or procurement of a loan secured by real estate, willfully: (1) Employs a device, scheme, or artifice to defraud; (2) Makes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading; (3) Receives any portion of the purchase, sale, or loan proceeds, or any other consideration paid or generated in connection with a real estate closing that such person knew involved a violation of this section; or (4) Influences, through extortion or bribery, the development, reporting, result, or review of a real estate appraisal, except that this subsection does not prohibit a mortgage lender, mortgage broker, mortgage banker, real estate licensee, or other person from asking the appraiser to do one or more of the following: (a) Consider additional property information; (b) Provide further detail, substantiation, or explanation for the appraiser's value conclusion; or (c) Correct errors in the appraisal report in compliance with the Uniform Standards of Professional Appraisal Practice. 2. The offense of mortgage fraud is a class D felony. 3. Each transaction in violation of this section shall constitute a separate offense. 4. Venue over any dispute relating to mortgage fraud or a conspiracy or endeavor to engage in or participate in a pattern of mortgage fraud shall be: (1) In the county in which the real estate is located; (2) In the county in which any act was performed in furtherance of mortgage fraud; (3) In any county in which any person alleged to have violated this section had control or possession of any proceeds from mortgage fraud; (4) In any county in which a related real estate closing occurred; or (5) In any county in which any document related to a mortgage fraud is filed with the recorder of deeds. 5. The punishment imposed under this section shall be in addition to any punishment provided by law for the offense. ---------- (L. 2008 H.B. 2188, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.350 - Misuse of military medals, penalty — misrepresentation of awarding of military medals, penalty — fraudulent use of the title of veteran, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.350. Misuse of military medals, penalty — misrepresentation of awarding of military medals, penalty — fraudulent use of the title of veteran, penalty. —1. This section shall be known and may be cited as the "Stolen Valor Act of 2007". 2. Any person who, with the intent to misrepresent himself or herself as a veteran or medal recipient, knowingly wears, purchases, attempts to purchase, solicits for

purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any decoration or medal authorized under chapter 41, or by the Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations promulgated under law, is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class E felony. 3. Any person who misrepresents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized under chapter 41, or by Congress for the Armed Forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class E felony. 4. Any person who fraudulently uses the title of"veteran", as defined by the United States Department of Veterans Affairs or its successor agency, in order to obtain personal benefit, monetary or otherwise, and such person does not have verifiable proof of his or her status as a veteran is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class E felony. 5. If a decoration or medal involved in an offense described in subsections 2 to 4 of this section is a distinguished-service cross awarded under Section 3742 of Title 10 of the United States Code, a Navy Cross awarded under Section 6242 of Title 10 of the United States Code, an Air Force Cross awarded under Section 8742 of Section 10 of the United States Code, a Silver Star awarded under Section 3742, 6244, or 8746 of Title 10 of the United States Code, a Purple Heart awarded under Section 1129 of Title 10 of the United States Code, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the penalty provided in subsection 2, 3, or 4 of this section, the offender is guilty of a class E felony. 6. If a decoration or medal involved in an offense described in subsections 2 to 4 of this section is the Medal of Honor awarded under Section 1560 of Title 38 of the United States Code, the offender is guilty of a class D felony. ---------- (L. 2007 H.B. 654 & 938, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.510; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.375 - Fraud or deception in obtaining an instruction permit, driver's license, or nondriver's license — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.375. Fraud or deception in obtaining an instruction permit, driver's license, or nondriver's license — penalty. —1. A person commits the offense of fraud or deception in obtaining an instruction permit, driver's license, or nondriver's license if he or she: (1) Knowingly or in reckless disregard of the truth, assists any person in committing fraud or deception during the examination process for an instruction permit, driver's license, or nondriver's license; (2) Knowingly or in reckless disregard of the truth, assists any person in applying for an instruction permit, driver's license, or nondriver's license that contains or is substantiated with false or fraudulent information or documentation; (3) Knowingly or in reckless disregard of the truth, assists any person in concealing a material fact or otherwise committing a fraud in an application for an instruction permit, driver's license, or nondriver's license; or (4) Engages in any conspiracy to commit any of the preceding acts or aids or abets the commission of any of the preceding acts. 2. The offense of fraud or deception in obtaining an instruction permit, driver's license, or nondriver's license is a class A misdemeanor. ---------- (L. 2008 H.B. 1549, et al., A.L. 2014 S.B. 491) Transferred 2014; formerly 578.570; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.380 - Mass manufacture or possession of five or more fake IDs — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.380. Mass manufacture or possession of five or more fake IDs — penalty. —1. A person commits the offense of mass manufacture or possession of fake IDs if he or she manufactures or possesses five or more fictitious or forged means of identification, as defined in section 570.010, with the intent to distribute to others for the purpose of committing an offense. 2. The offense of mass manufacture or possession of fake IDs is a class D felony. ---------- (L. 2008 H.B. 1384 and H.B. 2157, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.400 - Unlawful receipt of public assistance benefits or EBT cards — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.400. Unlawful receipt of public assistance benefits or EBT cards — penalties. —1. A person commits the offense of unlawfully receiving public assistance benefits or EBT cards if he or she knowingly receives or uses the proceeds of public assistance benefits or EBT cards to which he or she is not lawfully entitled or for which he or she has not applied and been approved by the department to receive. 2. The offense of unlawfully receiving public assistance benefits or EBT cards is a class A misdemeanor, unless the face value of the public assistance benefits or EBT cards is seven hundred fifty dollars or more or the person is found guilty of a second offense of unlawfully receiving public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which case it is a class E felony. Any person who is found guilty of a second or subsequent offense of felony unlawfully receiving public assistance benefits or EBT cards, or any person who is found guilty of an offense under this section and has previously been found guilty of two violations under sections 570.400 to 570.410, shall be guilty of a class D felony. Any person who is found guilty of felony

unlawfully receiving of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence. 3. In addition to any criminal penalty, any person found guilty of unlawfully receiving public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid. ---------- (L. 1987 S.B. 259 § 2, A.L. 2002 H.B. 1888, A.L. 2013 S.B. 251, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.377; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.402 - Conversion of public assistance benefits or EBT cards — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.402. Conversion of public assistance benefits or EBT cards — penalties. —1. A person commits the offense of conversion of public assistance benefits or EBT cards if he or she knowingly engages in any transaction to convert public assistance benefits or EBT cards to other property contrary to statutes, rules and regulations, either state or federal, governing the use of public assistance benefits. 2. The offense of unlawful conversion of public assistance benefits or EBT cards is a class A misdemeanor, unless the face value of the public assistance benefits or EBT cards is seven hundred fifty dollars or more or the person is found guilty of a second offense of unlawful conversion of public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which case it is a class E felony. Any person who is found guilty of a second or subsequent offense of felony unlawful conversion of public assistance benefits or EBT cards, or any person who is found guilty of an offense under this section and has previously been found guilty of two or more violations under sections 570.400 to 570.410, shall be guilty of a class D felony. Any person who is found guilty of felony unlawful conversion of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence. 3. In addition to any criminal penalty, any person found guilty of unlawful conversion of public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid. ---------- (L. 1987 S.B. 259 § 3, A.L. 2002 H.B. 1888, A.L. 2013 S.B. 251, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.379; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.404 - Unlawful transfer of public assistance benefits or EBT cards — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.404. Unlawful transfer of public assistance benefits or EBT cards — penalties. —1. A person commits the offense of unlawful transfer of public assistance benefits or EBT cards if he or she knowingly transfers public assistance benefits or EBT cards to another not lawfully entitled or approved by the department of social services to receive the public assistance benefits or EBT cards. 2. The offense of unlawful transfer of public assistance benefits or EBT cards is a class A misdemeanor, unless the face value of the public assistance benefits or EBT cards is seven hundred fifty dollars or more or the person is found guilty of a second offense of unlawful transfer of public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which case it is a class E felony. Any person who is found guilty of a second or subsequent offense of felony unlawful transfer of public assistance benefits, or any person who is found guilty of an offense under this section and has been found guilty of two or more violations under sections 570.400 to 570.410, shall be guilty of a class D felony. Any person who is found guilty of felony unlawful transfer of public assistance benefits or EBT cards shall serve not less than one hundred twenty days in the department of corrections unless such person pays full restitution to the state of Missouri within thirty days of the date of execution of sentence. 3. In addition to any criminal penalty, any person found guilty of unlawful transfer of public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid. ---------- (L. 1987 S.B. 259 § 4, A.L. 2002 H.B. 1888, A.L. 2013 H.B. 175 merged with H.B. 1035 merged with S.B. 248, A.L. 2013 S.B. 251, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.381; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.406 - Single criminal episode, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.406. Single criminal episode, when. —The face value of public assistance benefits or EBT cards stolen, possessed, transferred or converted from one scheme or course of conduct, whether from one or several rightful possessors, or at the same or different times shall constitute a single criminal episode and their face values may be aggregated in determining the grade of offense. ---------- (L. 1987 S.B. 259 § 5, A.L. 2013 S.B. 251, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.383; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.408 - Perjury for the purpose of obtaining public assistance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.408. Perjury for the purpose of obtaining public assistance — penalty. —1. A person commits the offense of perjury for the purpose of obtaining

public assistance if he or she knowingly makes a false or misleading statement or misrepresents a fact material for the purpose of obtaining public assistance if the false or misleading statement is reduced to writing and verified by the signature of the person making the statement and by the signature of any employee of the Missouri department of social services. The same person may not be charged with unlawfully receiving public assistance benefits and perjury pursuant to this section when both offenses arise from the same application for benefits. 2. A statement or fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the granting of public assistance. 3. Knowledge of the materiality of the statement or fact is not an element of this offense, and it is no defense that: (1) The person mistakenly believed the fact to be immaterial; or (2) The person was not competent, for reasons other than mental disability, to make the statement. 4. The offense of perjury for the purpose of obtaining public assistance is a class A misdemeanor, unless the value of the public assistance unlawfully obtained or unlawfully attempted to be obtained is seven hundred fifty dollars or more, in which case it is a class E felony, or the person has previously been found guilty of two violations under sections 570.400 to 570.410, in which case it is a class D felony. ---------- (L. 1987 S.B. 259 § 6, A.L. 2002 H.B. 1888, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.385; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 570 - Robbery, Stealing and Related OffensesSection 570.410 - Director of department of social services, attorney general — investigative powers — improper disclosure of information, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 570 570.410. Director of department of social services, attorney general — investigative powers — improper disclosure of information, penalty. —1. For the purpose of any investigation or proceeding relating to public assistance unlawfully received or an application for public assistance unlawfully tendered, the director of the department of social services or any officer designated by him or her or the attorney general for the state of Missouri or any officer designated by him or her may administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, require answers to written interrogatories and require production of any books, papers, correspondence, memoranda, agreements or other documents or records which the director of the department or the attorney general deem relevant and material to the inquiry. 2. In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the circuit court of any county of the state or the City of St. Louis, upon application by the department director or the attorney general may issue to the person an order requiring him or her to appear before the department director or the officer designated by him or her, or the attorney general or the officer designated by him or her, there to produce documentary evidence if so ordered or to give testimony or answer interrogatories touching the matter under investigation or in question in accordance with the forms and procedures otherwise authorized by the Rules of Civil Procedure. Failure to obey the order of the court may be punished by the court as a contempt of court. 3. Information or documents obtained under this section by the director of the department or the attorney general shall not be disclosed except in the course of civil or criminal litigation or to another prosecutorial or investigative agency, or to the divisions of the department. 4. The offense of improper disclosure under this section is a class A misdemeanor. 5. The provisions of this section do not repeal existing provisions of law and shall be construed as supplementary thereto. ---------- (L. 1987 S.B. 259 § 7, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.387; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.010 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.010. Definitions. —As used in this chapter, the following terms shall mean: (1)"Antique, curio or relic firearm", any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol Tobacco and Firearms, 27 CFR Section 178.11: (a)"Antique firearm"is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof; (b)"Curio or relic firearm"is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty years old, associated with a historical event, renown personage or major war; (2)"Blackjack", any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use; (3)"Blasting agent", any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined; (4)"Concealable firearm", any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech; (5)"Deface", to alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark; (6)"Detonator", any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors; (7)"Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this subdivision, the term"explosive"shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents; (8)"Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosive; (9)"Firearm silencer", any instrument,

attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm; (10)"Gas gun", any gas ejection device, weapon, cartridge, container or contrivance other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance; (11)"Intoxicated", substantially impaired mental or physical capacity resulting from introduction of any substance into the body; (12)"Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this chapter, knife does not include any ordinary pocketknife with no blade more than four inches in length; (13)"Knuckles", any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles; (14)"Machine gun", any firearm that is capable of firing more than one shot automatically, without manual reloading, by a single function of the trigger; (15)"Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person; (16)"Rifle", any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger; (17)"School", any charter school, as such term is defined in section 160.400, any private school, as such term is defined in section 166.700, or any public school, as such term is defined in section 160.011; (18)"Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six inches; (19)"Shotgun", any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger; (20)"Spring gun", any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death; (21)"Switchblade knife", any knife which has a blade that folds or closes into the handle or sheath, and: (a) That opens automatically by pressure applied to a button or other device located on the handle; or (b) That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force. ---------- (L. 1981 H.B. 296, A.L. 1998 S.B. 496, A.L. 2008 H.B. 2034, A.L. 2024 H.B. 2287)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.012 - Health care professionals not required to disclose patient firearm information, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.012. Health care professionals not required to disclose patient firearm information, when. —1. No health care professional licensed in this state, nor anyone under his or her supervision, shall be required by law to: (1) Inquire as to whether a patient owns or has access to a firearm; (2) Document or maintain in a patient's medical records whether such patient owns or has access to a firearm; or (3) Notify any governmental entity of the identity of a patient based solely on the patient's status as an owner of, or the patient's access to, a firearm. 2. No health care professional licensed in this state, nor anyone under his or her supervision, nor any person or entity that has possession or control of medical records, may disclose information gathered in a doctor/patient relationship about the status of a patient as an owner of a firearm, unless by order of a court of appropriate jurisdiction, in response to a threat to the health or safety of that patient or another person, as part of a referral to a mental health professional, or with the patient's express consent on a separate document dealing solely with firearm ownership. The separate document shall not be filled out as a matter of routine, but only when, in the judgment of the health care professional, it is medically indicated or necessitated. 3. Nothing in this section shall be construed as prohibiting or otherwise restricting a health care professional from inquiring about and documenting whether a patient owns or has access to a firearm if such inquiry or documentation is necessitated or medically indicated by the health care professional's judgment and such inquiry or documentation does not violate any other state or federal law. 4. No health care professional licensed in this state shall use an electronic medical record program that requires, in order to complete and save a medical record, entry of data regarding whether a patient owns, has access to, or lives in a home containing a firearm. ---------- (L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.013 - Ownership of firearms records, closed records — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.013. Ownership of firearms records, closed records — violation, penalty. —1. Any records of ownership of a firearm or applications for ownership, licensing, certification, permitting, or an endorsement that allows a person to own, acquire, possess, or carry a firearm shall not be open records under chapter 610 and shall not be open for inspection or their contents disclosed except by order of the court to persons having a legitimate interest therein. 2. Any person or entity who violates the provisions of this section is guilty of a class A misdemeanor. ---------- (L. 2013 S.B. 75 § 571.011)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.014 - Unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, crime of — violation, penalty — inapplicability, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.014. Unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, crime of — violation, penalty — inapplicability, when. —1. A

person commits the crime of unlawful refusal to transfer by denying sale of a firearm to a nonlicensee, who is otherwise not prohibited from possessing a firearm under state or federal law, solely on the basis that the nonlicensee purchased a firearm that was later the subject of a trace request by law enforcement. 2. Violation of subsection 1 of this section shall be a class A misdemeanor. 3. Notwithstanding any other provision of law to the contrary, no federal firearms dealer licensed under 18 U.S.C. Section 923 who engages in the sale of firearms within this state shall fail or refuse to complete the sale of a firearm to a customer in every case in which the sale is authorized by federal law. 4. The provisions of this section shall not apply to any individual federal firearms license holder, his agents, or employees to the extent they chose in their individual judgment to not complete the sale or transfer of a firearm for articulable reasons specific to that transaction, so long as those reasons are not based on the race, gender, religion, creed of the buyer. ---------- (L. 2008 H.B. 2034)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.015 - Armed criminal action, offense of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.015. Armed criminal action, offense of — penalty. —1. Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the offense of armed criminal action; the offense of armed criminal action shall be an unclassified felony and, upon conviction, shall be punished by imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years. 2. Any person convicted of a second offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years. 3. Any person convicted of a third or subsequent offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be no less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of ten calendar years. ---------- (L. 1977 S.B. 60, A.L. 2020 S.B. 600, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.017 - Imposition of sentences for both armed criminal action and crime committed with deadly weapon authorized, exception.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.017. Imposition of sentences for both armed criminal action and crime committed with deadly weapon authorized, exception. —Nothing contained in any other provision of law, except as provided in subsection 4 of section 571.015, shall prevent imposition of sentences for both armed criminal action and the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. ---------- (L. 1982 H.B. 1201)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.020 - Possession--manufacture--transport--repair--sale of certain weapons a crime--exceptions--penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.020. Possession--manufacture--transport--repair--sale of certain weapons a crime--exceptions--penalties. —1. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells: (1) An explosive weapon; (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon; (3) A gas gun; (4) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or (5) Knuckles; or (6) Any of the following in violation of federal law: (a) A machine gun; (b) A short-barreled rifle or shotgun; (c) A firearm silencer; or (d) A switchblade knife. 2. A person does not commit an offense pursuant to this section if his or her conduct involved any of the items in subdivisions (1) to (5) of subsection 1, the item was possessed in conformity with any applicable federal law, and the conduct: (1) Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or (2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or (4) Was incident to displaying the weapon in a public

museum or exhibition; or (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance. 3. An offense pursuant to subdivision (1), (2), (3) or (6) of subsection 1 of this section is a class D felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor. ---------- (L. 1981 H.B. 296, A.L. 2002 S.B. 712, A.L. 2008 H.B. 2034, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647 merged with S.B. 489 & 637, A.L. 2016 H.B. 2332) Effective 1-01-17 CROSS REFERENCE: Illegal fireworks, possession, sale, manufacture or transportation of, penalty, 320.136

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.030 - Unlawful use of weapons, offense of — exceptions — violation, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.030. Unlawful use of weapons, offense of — exceptions — violation, penalties. —1. A person commits the offense of unlawful use of weapons, except as otherwise provided by sections 571.101 to 571.121, if he or she knowingly: (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under section 571.107; or (2) Sets a spring gun; or (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or (11) Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of section 579.015. 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection: (1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (3) Members of the Armed Forces or National Guard while performing their official duty; (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary; (5) Any person whose bona fide duty is to execute process, civil or criminal; (6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction; (7) Any state probation or parole officer, including supervisors and members of the parole board; (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750; (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner; (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111; (11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and (12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties. 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen

years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event. 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state. 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031. 6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection,"state employee"means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri. 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who is a school officer commissioned by the district school board under section 162.215 or who is a school protection officer, as described under section 160.665. (2) Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board. 8. A person who commits the crime of unlawful use of weapons under: (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony; (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply; (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded; (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony. 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows: (1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony; (2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years; (3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release; (4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony. 10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons. 11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense. 12. As used in this section"qualified retired peace officer"means an individual who: (1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability; (2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest; (3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency; (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available; (5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms; (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and (7) Is not prohibited by federal law from receiving a firearm. 13. The identification required by subdivision (1) of subsection 2 of this section is: (1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or (2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and (3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm. ---------- (RSMo 1939 § 4425, A.L. 1959 H.B. 43, A.L. 1981 H.B. 296, A.L. 1993 H.B. 562

merged with S.B. 250, A.L. 1995 H.B. 160, A.L. 1997 S.B. 367, A.L. 1998 S.B. 478, A.L. 2000 S.B. 944, A.L. 2003 H.B. 349, et al. merged with S.B. 5, A.L. 2007 S.B. 62 & 41, A.L. 2010 H.B. 1692, et al., A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647, A.L. 2013 H.B. 533 merged with S.B. 75, A.L. 2014 S.B. 656 merged with S.B. 745 merged with S.B. 852, A.L. 2016 S.B. 656, A.L. 2021 S.B. 26 merged with S.B. 53 & 60, A.L. 2023 S.B. 186) Prior revisions: 1929 § 4031; 1919 § 3277; 1909 § 4498 (2021) University of Missouri rule, prohibiting an employee from having firearms not visible in the employee's locked vehicle on state's property while employee is conducting activities within scope of employment, conflicts with section and is void; however, other provisions of the rule are narrowly tailored to advance a compelling government interest and thus survive strict scrutiny. State ex rel. Schmitt v. Choi, 627 S.W.3d 1 (Mo. App.W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.031 - Blair's Law — unlawful discharge of a firearm, offense of — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.031. Blair's Law — unlawful discharge of a firearm, offense of — penalties. —1. This section shall be known and may be cited as "Blair's Law". 2. A person commits the offense of unlawful discharge of a firearm if he or she recklessly discharges a firearm within or into the limits of any municipality. 3. This section shall not apply if the firearm is discharged: (1) As allowed by a defense of justification under chapter 563; (2) On a shooting range that is: (a) Indoor; (b) Owned or operated by the state or any political subdivision; (c) A commercial shooting range, including any range used by paying members; and (d) Supervised by any person eighteen years of age or older; (3) To lawfully take wildlife during an open season established by the department of conservation. Nothing in this subdivision shall prevent a municipality from adopting an ordinance restricting the discharge of a firearm within one-quarter mile of an occupied structure; (4) For the control of nuisance wildlife as permitted by the department of conservation or the United States Fish and Wildlife Service; (5) By special permit of the chief of police of the municipality; (6) As required by an animal control officer in the performance of his or her duties; (7) Using blanks; (8) More than one mile from any occupied structure; (9) In self-defense or defense of another person against an imminent or ongoing animal attack unless the self-defense or defense of another person is a gross deviation from the standard of care which a reasonable person would exercise in the situation to protect oneself or the other person from such animal attack and such person shall not have a duty to retreat; (10) In defense of a domestic animal against an imminent or ongoing animal attack, unless the defense of the domestic animal is a gross deviation from the standard of care which a reasonable person would exercise in the situation to protect a domestic animal from attack; or (11) By law enforcement personnel, as defined in section 590.1040, or a member of the United States Armed Forces if acting in an official capacity. 4. A person who commits the offense of unlawful discharge of a firearm shall be guilty of: (1) For a first offense, a class A misdemeanor; (2) For a second offense, a class E felony; and (3) For a third or subsequent offense, a class D felony. ---------- (L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.037 - Open display of firearm permitted, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.037. Open display of firearm permitted, when. —Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self defense. ---------- (L. 2012 H.B. 1647, A.L. 2013 S.B. 75)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.045 - Defacing firearm, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.045. Defacing firearm, penalty. —1. A person commits the crime of defacing a firearm if he knowingly defaces any firearm. 2. Defacing a firearm is a class A misdemeanor. ---------- (L. 1981 H.B. 296 § 571.040)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.050 - Possession of defaced firearm, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.050. Possession of defaced firearm, penalty. —1. A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which is defaced. 2. Possession of a defaced firearm is a class B misdemeanor. ---------- (L. 1981 H.B. 296)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.060 - Unlawful transfer of weapons, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.060. Unlawful transfer of weapons, penalty. —1. A person commits the offense of unlawful transfer of weapons if he: (1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such; (2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than

eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the Armed Forces or National Guard while performing his official duty; or (3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated. 2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is a class E felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor. ---------- (L. 1981 H.B. 296, A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.063 - Fraudulent purchase of a firearm, crime of — definitions — penalty — exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.063. Fraudulent purchase of a firearm, crime of — definitions — penalty — exceptions. —1. As used in this section the following terms shall mean: (1)"Ammunition", any cartridge, shell, or projectile designed for use in a firearm; (2)"Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms; (3)"Materially false information", any information that portrays an illegal transaction as legal or a legal transaction as illegal; (4)"Private seller", a person who sells or offers for sale any firearm, as defined in section 571.010, or ammunition. 2. A person commits the crime of fraudulent purchase of a firearm if such person: (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States; or (2) Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this subsection. 3. Fraudulent purchase of a firearm is a class E felony. 4. This section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. ---------- (L. 2011 H.B. 294, et al., A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.067 - Surrendering a firearm to a political subdivision, valuable consideration prohibited, exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.067. Surrendering a firearm to a political subdivision, valuable consideration prohibited, exceptions. —No county, municipality, or other governmental body, or an agent of a county, municipality, or other governmental body, may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the county, municipality, or other governmental body unless: (1) The county, municipality, or governmental body has adopted a resolution, ordinance, or rule authorizing the participation of the county, municipality, or governmental body, or participation by an agent of the county, municipality, or governmental body, in such a program; and (2) The resolution, ordinance, or rule enacted pursuant to this section provides that any firearm received shall be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from trade shall be the property of the county, municipality, or governmental body. Any proceeds collected under this subdivision shall be deposited with the municipality, county, or governmental body unless the proceeds are collected by a sheriff, in which case the proceeds shall be deposited in the county sheriff's revolving fund under section 50.535. Any firearm remaining in the possession of the county, municipality, or governmental body after the firearm has been offered for sale or trade to at least two licensed firearms dealers may be destroyed. ---------- (L. 2013 H.B. 533)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.070 - Possession of firearm unlawful for certain persons — penalty — exception.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.070. Possession of firearm unlawful for certain persons — penalty — exception. —1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and: (1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent. 2. Unlawful possession of a firearm is a class C felony, unless a person has been convicted of a dangerous felony as defined in section 556.061, or the person has a prior conviction for unlawful possession of a firearm in which case it is a class B felony. 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm. ---------- (L. 1981 H.B. 296, A.L. 1982 H.B. 1201, A.L. 2008 H.B. 2034, A.L. 2010 H.B. 1692, et al., A.L. 2016 H.B. 2332, A.L. 2020 S.B. 600, A.L. 2024 S.B. 754, et al.) (2013) Section prohibiting persons convicted of certain felonies from possessing firearms is not an ex post facto law because it does not apply to conduct completed before its enactment. State v. Harris, 414 S.W.3d 447 (Mo.banc). (2015) Section criminalizing possession of a firearm by a convicted felon does not violate state constitutional right to bear arms. State. v. Merritt, 467 S.W.3d 808 (Mo.). (2015) Section is narrowly tailored to achieve a compelling governmental interest in ensuring public safety and reducing firearm-related crime and thus passes strict scrutiny. State

v. McCoy, 468 S.W.3d 892 (Mo.). (2015) Section is a constitutional restriction of a convicted nonviolent felon's right to bear arms. State v. Clay, 481 S.W.3d 531 (Mo.). (2018) Section does not violate Second Amendment of the U.S. Constitution as applied to person who had committed two serious felonies for which he served prison time, even if his federal right to possess a firearm had been restored. Alpert v. State, 543 S.W.3d 589 (Mo. banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.072 - Unlawful possession of an explosive weapon, offense of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.072. Unlawful possession of an explosive weapon, offense of — penalty. —1. A person commits the offense of unlawful possession of an explosive weapon if he or she has any explosive weapon in his or her possession and: (1) He or she has pled guilty to or has been convicted of a dangerous felony, as defined in section 556.061, or of an attempt to commit a dangerous felony, or of an offense under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or (2) He or she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent. 2. Unlawful possession of an explosive weapon is a class D felony. ---------- (L. 2008 H.B. 2034, A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.080 - Transfer of concealable firearms.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.080. Transfer of concealable firearms. —A person commits the crime of transfer of a concealable firearm if such person violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x). ---------- (L. 1981 H.B. 296 subsecs. 1, 2, 3, A.L. 1998 S.B. 496, A.L. 2007 S.B. 62 & 41)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.085 - Purchase in another state by Missouri residents, permitted when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.085. Purchase in another state by Missouri residents, permitted when. —Residents of the state of Missouri may purchase firearms in any state, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which the purchase is made. ---------- (L. 2011 H.B. 294, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.087 - Purchase in Missouri by nonresident, permitted when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.087. Purchase in Missouri by nonresident, permitted when. —Residents of any state may purchase firearms in the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the state in which such persons reside. ---------- (L. 2011 H.B. 294, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.092 - Restriction on transfer and possession of firearms, petition for removal of, when, requirements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.092. Restriction on transfer and possession of firearms, petition for removal of, when, requirements. —1. Any individual who has been adjudged incapacitated under chapter 475, who has been involuntarily committed under chapter 632, or who is otherwise subject to the firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in this state may file a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) and the laws of this state. 2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's place of residence or that entered the letters of guardianship or the most recent order for involuntary commitment, or the most recent disqualifying order, whichever is later. The petition shall include: (1) The circumstances regarding the firearms disabilities; (2) The applicant's record which at a minimum shall include the applicant's mental health and criminal history records, if any; (3) The applicant's reputation through character witness statements, testimony, or other character evidence; and (4) Any other information or evidence relevant to the relief sought, including but not limited to evidence concerning any changes in the petitioner's condition since the disqualifying commitment or adjudication occurred. --Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the hearing to the petitioner. 3. The court shall grant the requested relief if it finds by clear and convincing evidence that: (1) The petitioner will not be likely to act in a manner dangerous to public safety; and (2) Granting the relief is not contrary to the public interest. 4. In order to determine whether to grant relief under

this section, the court may request the local prosecuting attorney, circuit attorney, or attorney general to provide a written recommendation as to whether relief should be granted. In any order requiring such review the court may grant access to any and all mental health records, juvenile records, and criminal history of the petitioner wherever maintained. The court may allow presentation of evidence at the hearing if requested by the petitioner or by the local prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the proceedings. 5. If the petitioner is filing the petition as a result of an involuntary commitment under chapter 632, the hearing and records shall be closed to the public, unless the court finds that public interest would be better served by conducting the hearing in public. If the court determines the hearing should be open to the public, upon motion by the petitioner, the court may allow for the in-camera inspection of mental health records. The court may allow the use of the record but shall restrict it from public disclosure, unless it finds that the public interest would be better served by making the record public. 6. The court shall include in its order the specific findings of fact on which it bases its decision. 7. Upon a judicial determination to grant a petition under this section, the clerk in the county where the petition was granted shall forward the order to the Missouri state highway patrol for updating of the petitioner's record with the National Instant Criminal Background Check System (NICS). The Missouri state highway patrol shall contact the Federal Bureau of Investigation to effect this updating no later than twenty-one days from receipt of the order. 8. Any person who has been denied a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall not be eligible to file another petition for removal of such disqualification until the expiration of one year from the date of such denial. 9. In the event a petition is denied under this section, the petitioner may appeal such denial, and review shall be de novo. ---------- (L. 2012 H.B. 1647)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.093 - Certain records closed to the public.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.093. Certain records closed to the public. —If any sheriff retains records of permits to obtain concealable firearms issued under former section 571.090, as repealed by senate bills nos. 62 and 41 of the ninety-fourth general assembly, then such records shall be closed to the public. No such record shall be made available for any purpose whatsoever unless its disclosure is mandated by a valid court order relating to a criminal investigation. ---------- (L. 2008 H.B. 2034)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.095 - Confiscation of firearms and ammunition, when — exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.095. Confiscation of firearms and ammunition, when — exceptions. —Upon conviction for or attempting to commit a felony in violation of any law perpetrated in whole or in part by the use of a firearm, the court may, in addition to the penalty provided by law for such offense, order the confiscation and disposal or sale or trade to a licensed firearms dealer of firearms and ammunition used in the commission of the crime or found in the possession or under the immediate control of the defendant at the time of his or her arrest. The proceeds of any sale or gains from trade shall be the property of the police department or sheriff's department responsible for the defendant's arrest or the confiscation of the firearms and ammunition. If such firearms or ammunition are not the property of the convicted felon, they shall be returned to their rightful owner if he or she is known and was not a participant in the crime. Any proceeds collected under this section shall be deposited with the municipality or by the county treasurer into the county sheriff's revolving fund established in section 50.535. ---------- (L. 1981 H.B. 296 § 571.080 subsec. 4, A.L. 2007 S.B. 62 & 41)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.101 - Concealed carry permits, application requirements — approval procedures — issuance, when — information on permit — fees.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.101. Concealed carry permits, application requirements — approval procedures — issuance, when — information on permit — fees. —1. All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. A concealed carry permit shall be valid from the date of issuance or renewal until five years from the last day of the month in which the permit was issued or renewed. The concealed carry permit is valid throughout this state. Although the permit is considered valid in the state, a person who fails to renew his or her permit within five years from the date of issuance or renewal shall not be eligible for an exception to a National Instant Criminal Background Check under federal regulations currently codified under 27 CFR 478.102(d), relating to the transfer, sale, or delivery of firearms from licensed dealers. A concealed carry endorsement issued prior to August 28, 2013, shall continue from the date of issuance or renewal until three years from the last day of the month in which the endorsement was issued or renewed to authorize the carrying of a concealed firearm on or about the applicant's person or within a vehicle in the same manner as a concealed carry permit issued under subsection 7 of this section on or after August 28, 2013. 2. A concealed carry permit issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant: (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States and either: (a) Has assumed residency in this state; or (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military; (2) Is at least nineteen years of age, or is at least eighteen

years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either: (a) Has assumed residency in this state; (b) Is a member of the Armed Forces stationed in Missouri; or (c) The spouse of such member of the military stationed in Missouri and nineteen years of age; (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun; (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a concealed carry permit; (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun; (6) Has not been discharged under dishonorable conditions from the United States Armed Forces; (7) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others; (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative; (9) Submits a completed application for a permit as described in subsection 3 of this section; (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111; (11) Is not the respondent of a valid full order of protection which is still in effect; (12) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g). 3. The application for a concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information: (1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement or any successor agency; (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen or permanent resident of the United States; (3) An affirmation that the applicant is at least nineteen years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces; (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun; (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit; (6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun; (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces; (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply; (9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111; (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; (11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri; and (12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for permit renewal, or for the issuance of a new permit due to change of address, or for a lost or destroyed permit. 4. An application for a concealed carry permit shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a concealed carry permit must also submit the following: (1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and (2) A nonrefundable permit fee as provided by subsection 11 or 12 of this section. 5. (1) Before an application for a concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri

driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a concealed carry permit, the applicant shall be fingerprinted. No other biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a concealed carry permit. If no disqualifying record is identified by these checks at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a concealed carry permit within three working days. (2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license or a valid military identification, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a concealed carry permit issued under this section, provided that it shall not serve as an alternative to an national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the certificate of qualification under subsection 6 or 7 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be proscribed in a manner consistent to the denial and review of an application under subsection 6 of this section. 6. The sheriff may refuse to approve an application for a concealed carry permit if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. 7. If the application is approved, the sheriff shall issue a concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the concealed carry permit in the presence of the sheriff or his or her designee. 8. The concealed carry permit shall specify only the following information: (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder; (2) The signature of the sheriff issuing the permit; (3) The date of issuance; and (4) The expiration date. --The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number. 9. (1) The sheriff shall keep a record of all applications for a concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason shall be kept for a period not to exceed one year. Any record of an application that was approved shall be kept for a period of one year after the expiration and nonrenewal of the permit. (2) The sheriff shall report the issuance of a concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor. 10. Information regarding any holder of a concealed carry permit, or a concealed carry endorsement issued prior to August 28, 2013, is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof. Any state agency that has retained any documents or records, including fingerprint records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, shall destroy such documents or records, upon successful issuance of a permit. 11. For processing an application for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. This fee shall include the cost to reimburse the Missouri state highway patrol for the costs of fingerprinting and criminal background checks. An additional fee shall be added to each credit card, debit card, or other electronic transaction equal to the charge paid by the state or the applicant for the use of the credit card, debit card, or other electronic payment method by the applicant. 12. For processing a

renewal for a concealed carry permit pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. 13. For the purposes of sections 571.101 to 571.121, the term"sheriff"shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county. 14. For the purposes of this chapter,"concealed carry permit"shall include any concealed carry endorsement issued by the department of revenue before January 1, 2014, and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013. ---------- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 1 to 12, A.L. 2008 H.B. 2034, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647, A.L. 2013 S.B. 75, A.L. 2014 S.B. 656 merged with S.B. 745, A.L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.104 - Suspension or revocation of endorsements and permits, when — renewal procedures — change of name or residence notification requirements — active military members, two-month renewal period.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.104. Suspension or revocation of endorsements and permits, when — renewal procedures — change of name or residence notification requirements — active military members, two-month renewal period. —1. A concealed carry endorsement issued prior to August 28, 2013, shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed: (1) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101, is issued against a person holding a concealed carry endorsement issued prior to August 28, 2013, upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, officer, or other official serving the order, warrant, discharge, or commitment. The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued prior to August 28, 2013, shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the endorsement is surrendered shall administratively suspend the endorsement in the concealed carry permit system established under subsection 5 of section 650.350 until such time as the order is terminated or until the charges are dismissed. Upon dismissal, the court holding the driver's license or nondriver's license containing the concealed carry endorsement shall return such license to the individual, and the official to whom the endorsement was surrendered shall administratively return the endorsement to good standing within the concealed carry permit system. (2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement. The sheriff who issued the certificate of qualification prior to August 28, 2013, shall report the change in status of the endorsement to the concealed carry permit system established under subsection 5 of section 650.350. The director of revenue shall immediately remove the endorsement issued prior to August 28, 2013, from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing. 2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after August 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes ineligible for such permit or endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed: (1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101 is issued against a person holding a concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return

the permit to good standing within the concealed carry permit system; (2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the concealed carry permit shall report the change in status of the concealed carry permit to the concealed carry permit system. 3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each renewal application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all renewal requirements and is not disqualified under any provision of section 571.101, the sheriff shall issue a new concealed carry permit which contains the date such permit was renewed. The process for renewing a concealed carry endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a new concealed carry permit as provided under this subsection. 4. A person who has been issued a concealed carry permit, or a certificate of qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a renewal application for a concealed carry permit on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired concealed carry permit or certificate of qualification shall notify the concealed carry permit system that such permit is expired and cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the sheriff who issued the certificate of qualification for the endorsement shall notify the director of revenue that such certificate is expired regardless of whether the endorsement holder has applied for a concealed carry permit under subsection 3 of this section. The director of revenue shall immediately remove such endorsement from the individual's driving record and notify the individual that his or her driver's license or nondriver's license has expired. The notice shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, who fails to renew his or her application within the six-month period must reapply for a new concealed carry permit and pay the fee for a new application. 5. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff of the new jurisdiction of the permit or endorsement holder's change of residence within thirty days after the changing of a permanent residence to a location outside the county of permit issuance. The permit or endorsement holder shall furnish proof to the sheriff in the new jurisdiction that the permit or endorsement holder has changed his or her residence. The sheriff in the new jurisdiction shall notify the sheriff in the old jurisdiction of the permit holder's change of address and the sheriff in the old jurisdiction shall transfer any information on file for the permit holder to the sheriff in the new jurisdiction within thirty days. The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. The sheriff shall report the residence change to the concealed carry permit system, take possession and destroy the old permit, and then issue a new permit to the permit holder. The new address shall be accessible by the concealed carry permit system within three days of receipt of the information. If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue of his or her residence change. In such cases, the change of residence shall be made by the department of revenue onto the individual's driving record. 6. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff or his or her designee of the permit or endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her permit or driver's license or nondriver's license containing a concealed carry endorsement. The permit or endorsement holder shall furnish a statement to the sheriff that the permit or driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a permit or driver's license or nondriver's license containing a concealed carry endorsement, the sheriff may charge a processing fee of ten dollars for costs associated with replacing a lost or destroyed permit or driver's license or nondriver's license containing a concealed carry endorsement and shall reissue a new concealed carry permit within three working days of being notified by the concealed carry permit or endorsement holder of its loss or destruction. The new concealed carry permit shall contain the same personal information, including expiration date, as the original concealed carry permit. 7. If a person issued a concealed carry permit, or endorsement issued prior to August 28, 2013, changes his or her name, the person to whom the permit or endorsement was issued shall obtain a corrected or new concealed carry permit with a change of name from the sheriff who issued the original concealed carry permit or the original certificate of qualification for an endorsement upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected or new concealed carry permit. The permit or endorsement holder shall furnish proof of the name change to the sheriff within thirty days of changing his or her name and display his or her concealed carry permit or current driver's license or nondriver's license containing a concealed carry endorsement. The sheriff shall report the name change to the concealed carry permit system, and the new name shall be accessible by the concealed carry permit system within three days of receipt of the information. 8. The person with a concealed carry permit, or endorsement issued prior to August 28, 2013, shall notify the sheriff of a name or address change within thirty days of the change. A concealed carry permit and,

if applicable, endorsement shall be automatically invalid after one hundred eighty days if the permit or endorsement holder has changed his or her name or changed his or her residence and not notified the sheriff as required in subsections 5 and 7 of this section. The sheriff shall assess a late penalty of ten dollars per month for each month, up to six months and not to exceed sixty dollars, for the failure to notify the sheriff of the change of name or address within thirty days. 9. (1) As used in this subsection, the term"active military member"means any person who is on active duty in the United States Armed Forces, on active state duty, on full-time National Guard duty under Title 32 of the United States Code. (2) Notwithstanding any provision of this section to the contrary, if a concealed carry permit, or endorsement issued prior to August 28, 2013, expires while the person issued the permit or endorsement is an active military member, the permit shall be renewed if the person completes the renewal requirements under subsection 3 of this section within two months of returning to Missouri after discharge from such duty or recovery from such incapacitation. Once the two-month period has expired, the provisions of subsection 4 of this section shall apply except the penalties shall begin to accrue upon the expiration of the two-month period described in this subsection rather than on the expiration date of the permit or endorsement. (3) Beginning August 28, 2020, an active military member may complete the renewal of his or her endorsement or permit under subdivision (2) of this subsection*by mail. To renew an endorsement or permit by mail, an active military member shall mail to the sheriff who issued his or her permit a renewal application, a copy of his or her current concealed carry permit, a military identification acceptable for in-person renewal of permits, and the renewal fee. The active military member may pick up the renewed permit in person or may request the permit be mailed to a provided address by certified mail. The sheriff may require the active military member to pay the postage and insurance costs associated with mailing the permit, but the costs shall not exceed ten dollars. ---------- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 13 to 19, A.L. 2010 H.B. 1692, et al., A.L. 2013 S.B. 75, A.L. 2014 S.B. 745, A.L. 2016 S.B. 656, A.L. 2020 S.B. 656) *Word "section" appears in original rolls.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.107 - Permit does not authorize concealed firearms, where — penalty for violation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.107. Permit does not authorize concealed firearms, where — penalty for violation. —1. A concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No concealed carry permit issued pursuant to sections 571.101 to 571.121, valid concealed carry endorsement issued prior to August 28, 2013, or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into: (1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building; (6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is

prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government; (7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated; (8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (9) Any place where the carrying of a firearm is prohibited by federal law; (10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement; (12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer; (16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable, endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue.

The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing. ---------- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 20, 21, A.L. 2009 H.B. 132, A.L. 2010 H.B. 1692, et al., A.L. 2011 H.B. 294, et al., A.L. 2013 S.B. 75, A.L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.111 - Firearms training requirements — safety instructor requirements — penalty for violations.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.111. Firearms training requirements — safety instructor requirements — penalty for violations. —1. An applicant for a concealed carry permit shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry permit: (1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 6 of this section; or (2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or (3) Is a qualified firearms safety instructor as defined in subsection 6 of this section; or (4) Submits proof that the applicant currently holds any type of valid peace officer license issued under the requirements of chapter 590; or (5) Submits proof that the applicant is currently allowed to carry firearms in accordance with the certification requirements of section 217.710; or (6) Submits proof that the applicant is currently certified as any class of corrections officer by the Missouri department of corrections and has passed at least one eight-hour firearms training course, approved by the director of the Missouri department of corrections under the authority granted to him or her, that includes instruction on the justifiable use of force as prescribed in chapter 563; or (7) Submits a photocopy of a certificate of firearms safety training course completion that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of subsection 2 of this section that were in effect on the date it was issued. 2. A certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included: (1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm; (2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload either a revolver or a semiautomatic pistol and demonstrated his or her marksmanship with either firearm; (3) The basic principles of marksmanship; (4) Care and cleaning of concealable firearms; (5) Safe storage of firearms at home; (6) The requirements of this state for obtaining a concealed carry permit from the sheriff of the individual's county of residence; (7) The laws relating to firearms as prescribed in this chapter; (8) The laws relating to the justifiable use of force as prescribed in chapter 563; (9) A live firing exercise of sufficient duration for each applicant to fire either a revolver or a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty rounds from the handgun at a distance of seven yards from a B-27 silhouette target or an equivalent target; (10) A live-fire test administered to the applicant while the instructor was present of twenty rounds from either a revolver or a semiautomatic pistol from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards. 3. A certificate of firearms safety training course completion may also be issued to an applicant who presents proof to a qualified firearms safety instructor that the applicant has passed a regular or online course on firearm safety conducted by an instructor certified by the National Rifle Association that is at least one hour in length and who also passes the requirements of subdivisions (1), (2), (6), (7), (8), (9), and (10) of subsection 2 of this section in a course, not restricted by a period of hours, that is taught by a qualified firearms safety instructor. 4. A qualified firearms safety instructor shall not give a grade of passing to an applicant for a concealed carry permit who: (1) Does not follow the orders of the qualified firearms instructor or cognizant range officer; or (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or (3) During the live-fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds. 5. Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry permit shall: (1) Make the applicant's course records available upon request to the sheriff of the county in which the applicant resides; (2) Maintain all course records on students for a period of no less than four years from course completion date; and (3) Not have more than forty students per certified instructor in the classroom portion of the course or more than five students per range officer engaged in range firing. 6. A firearms safety instructor shall be considered to be a qualified firearms safety instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121 if the instructor: (1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor; or (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency; or (3) Submits a photocopy of a notarized certificate from a firearms safety instructor course approved by the department of public safety; or (4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or (5) Is a certified police officer firearms safety instructor. 7. Any firearms safety instructor qualified under subsection 6 of this section may submit a copy of a training instructor

certificate, course outline bearing the notarized signature of the instructor, and a recent photograph of the instructor to the sheriff of the county in which the instructor resides. The sheriff shall review the training instructor certificate along with the course outline and verify the firearms safety instructor is qualified and the course meets the requirements provided under this section. If the sheriff verifies the firearms safety instructor is qualified and the course meets the requirements provided under this section, the sheriff shall collect an annual registration fee of ten dollars from each qualified instructor who chooses to submit such information and submit the registration to the Missouri sheriff methamphetamine relief taskforce. The Missouri sheriff methamphetamine relief taskforce, or its designated agent, shall create and maintain a statewide database of qualified instructors. This information shall be a closed record except for access by any sheriff. Firearms safety instructors may register annually and the registration is only effective for the calendar year in which the instructor registered. Any sheriff may access the statewide database maintained by the Missouri sheriff methamphetamine relief taskforce to verify the firearms safety instructor is qualified and the course offered by the instructor meets the requirements provided under this section. Unless a sheriff has reason to believe otherwise, a sheriff shall presume a firearms safety instructor is qualified to provide firearms safety instruction in counties throughout the state under this section if the instructor is registered on the statewide database of qualified instructors. 8. Any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this section shall result in the person being prohibited from instructing concealed carry permit classes and issuing certificates. ---------- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 22 to 27, A.L. 2007 S.B. 62 & 41, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647 merged with S.B. 489 & 637, A.L. 2013 S.B. 75, A.L. 2014 S.B. 656 merged with S.B. 745, A.L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.114 - Denial of application, appeal procedures.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.114. Denial of application, appeal procedures. —1. In any case when the sheriff refuses to issue a concealed carry permit or to act on an application for such permit, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310 and 482.335 shall apply to such appeals. 2. A denial of or refusal to act on an application for a concealed carry permit may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person: 3. The notice of appeal in a denial of a concealed carry permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge. 4. If at the hearing the person shows he or she is entitled to the requested concealed carry permit, the court shall issue an appropriate order to cause the issuance of the concealed carry permit. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious. 5. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a concealed carry permit appeal may have a right to trial de novo as provided in sections 512.180 to 512.320. ---------- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 28 to 32, A.L. 2013 S.B. 75)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.117 - Revocation procedure for ineligible permit holders — sheriff's immunity from liability, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.117. Revocation procedure for ineligible permit holders — sheriff's immunity from liability, when. —1. Any person who has knowledge that another person, who was issued a concealed carry permit pursuant to sections 571.101 to 571.121, or concealed carry endorsement prior to August 28, 2013, never was or no longer is eligible for such permit or endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's concealed carry permit or endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry permit or endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person: 2. If at the hearing the plaintiff shows that the defendant was not eligible for the concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, at the time of issuance or renewal or is no longer eligible for a concealed carry permit or the concealed carry endorsement, the court shall issue an appropriate order to cause the revocation of the concealed carry permit and, if applicable, the concealed carry endorsement. Costs shall not be assessed against the sheriff. 3. The finder of fact, in any action brought against a permit or endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the permit or endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour. 4. Any

person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a concealed carry permit or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320. 5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a certificate of qualification for a concealed carry endorsement issued prior to August 28, 2013, so long as the sheriff acted in good faith. ---------- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 33 to 37, A.L. 2011 H.B. 294, et al., A.L. 2012 H.B. 1647, A.L. 2013 S.B. 75, A.L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.121 - Duty to carry and display permit, penalty for violation — director of revenue immunity from liability, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.121. Duty to carry and display permit, penalty for violation — director of revenue immunity from liability, when. —1. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm and shall display the concealed carry permit and a state or federal government-issued photo identification or the endorsement or permit upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the concealed carry permit or endorsement holder may be issued a citation for an amount not to exceed thirty-five dollars. 2. Notwithstanding any other provisions of law, the director of revenue, by carrying out his or her requirement to issue a driver's or nondriver's license reflecting that a concealed carry permit has been granted under the law as it existed prior to August 28, 2013, shall bear no liability and shall be immune from any claims for damages resulting from any determination made regarding the qualification of any person for such permit or for any actions stemming from the conduct of any person issued such a permit. By issuing the permit on the driver's or nondriver's license, the director of revenue was merely acting as a scrivener for any determination made by the sheriff that the person was qualified for the permit. ---------- (L. 2003 H.B. 349, et al., § 571.094, subsecs. 38, 39, A.L. 2013 S.B. 75)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.126 - List of persons who have obtained a concealed carry endorsement or permit, no disclosure to federal government.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.126. List of persons who have obtained a concealed carry endorsement or permit, no disclosure to federal government. —Notwithstanding any other state law to the contrary, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit, including Missouri lifetime and extended concealed carry permits. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system. ---------- (L. 2013 S.B. 252 § 1, A.L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.150 - Use or possession of a metal-penetrating bullet during the commission of a crime — definition — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.150. Use or possession of a metal-penetrating bullet during the commission of a crime — definition — penalty. —1. As used in this section, the term"metal-penetrating bullet"means handgun bullet or projectile of 9 mm, .25, .32, .38, .357, .41, .44, or .451 or other caliber which is comprised of a hardened core equal to the minimum of the maximum attainable hardness by solid red metal alloy which purposely reduces the normal expansion or mushrooming of the bullet's or projectile's shape upon impact. Metal-penetrating bullet does not include any bullet or projectile composed of copper or brass jacket with lead or lead alloy cores or any bullet or projectile composed of lead or lead alloys. 2. Any person who uses or possesses a metal-penetrating bullet during the commission of a crime is guilty of a class B felony. ---------- (L. 1986 S.B. 450 § 3) Effective 3-17-86

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.155 - Regulation by municipalities permitted — no prohibition at shooting ranges.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.155. Regulation by municipalities permitted — no prohibition at shooting ranges. —1. A municipality may regulate, by order or ordinance, the shooting of pneumatic guns within its boundaries when the municipality is, in the opinion of the governing body, so heavily populated that such conduct is dangerous to the inhabitants thereof. The municipality may require supervision by a parent, guardian, or other adult supervisor who is approved by a parent or guardian of any minor below the age of twelve in all uses of pneumatic guns on public property. The ordinance may specify that minors twelve years of age or older may, with the consent of a parent or guardian, use a pneumatic gun at any place designated for such use by the local governing body or on private property with

the consent of the owner. The ordinance may specify that any minor shall be responsible for obeying all laws, regulations, and restrictions governing such use, regardless of whether a parent or guardian has permitted such use. 2. No such ordinance shall prohibit the use pneumatic guns at facilities approved for shooting ranges. ---------- (L. 2011 H.B. 294, et al., § 1)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.205 - Issuance of lifetime or extended permit, requirements — application contents — sheriff's duties — recordkeeping — confidentiality of information — fees.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.205. Issuance of lifetime or extended permit, requirements — application contents — sheriff's duties — recordkeeping — confidentiality of information — fees. —1. Upon request and payment of the required fee, the sheriff shall issue a concealed carry permit that is valid through the state of Missouri for the lifetime of the permit holder to a Missouri resident who meets the requirements of sections 571.205 to 571.230, known as a Missouri lifetime concealed carry permit. A person may also request, and the sheriff shall issue upon payment of the required fee, a concealed carry permit that is valid through the state of Missouri for a period of either ten years or twenty-five years from the date of issuance or renewal to a Missouri resident who meets the requirements of sections 571.205 to 571.230. Such permit shall be known as a Missouri extended concealed carry permit. A person issued a Missouri lifetime or extended concealed carry permit shall be required to comply with the provisions of sections 571.205 to 571.230. If the applicant can show qualification as provided by sections 571.205 to 571.230, the sheriff shall issue a Missouri lifetime or extended concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle. 2. A Missouri lifetime or extended concealed carry permit shall be suspended if the permit holder becomes a resident of another state. The permit may be reactivated upon reestablishment of Missouri residency if the applicant meets the requirements of sections 571.205 to 571.230, and upon successful completion of a name-based inquiry of the National Instant Background Check System. 3. A Missouri lifetime or extended concealed carry permit shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant: (1) Is at least nineteen years of age, is a citizen or permanent resident of the United States and has assumed residency in this state, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and has assumed residency in this state; (2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States, other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun; (3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a Missouri lifetime or extended concealed carry permit; (4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States, other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun; (5) Has not been discharged under dishonorable conditions from the United States Armed Forces; (6) Has not engaged in a pattern of behavior, documented in public or closed records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or herself or others; (7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative; (8) Submits a completed application for a permit as described in subsection 4 of this section; (9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement under subsections 1 and 2 of section 571.111; (10) Is not the respondent of a valid full order of protection which is still in effect; (11) Is not otherwise prohibited from possessing a firearm under section 571.070 or 18 U.S.C. Section 922(g). 4. The application for a Missouri lifetime or extended concealed carry permit issued by the sheriff of the county of the applicant's residence shall contain only the following information: (1) The applicant's name, address, telephone number, gender, date and place of birth, and, if the applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the United States Immigration and Customs Enforcement or any successor agency; (2) An affirmation that the applicant has assumed residency in Missouri and is a citizen or permanent resident of the United States; (3) An affirmation that the applicant is at least nineteen years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces; (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun; (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a permit or that the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a permit; (6) An affirmation that the applicant is not a fugitive from justice or currently

charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun; (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces; (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state under chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply; (9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111; (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; (11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury under the laws of the state of Missouri; and (12) A government-issued photo identification. This photograph shall not be included on the permit and shall only be used to verify the person's identity for the issuance of a new permit, issuance of a new permit due to change of name or address, renewal of an extended permit, or for a lost or destroyed permit, or reactivation under subsection 2 of this section. 5. An application for a Missouri lifetime or extended concealed carry permit shall be made to the sheriff of the county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 3 of this section. In addition to the completed application, the applicant for a Missouri lifetime or extended concealed carry permit shall also submit the following: (1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and (2) A nonrefundable permit fee as provided by subsection 12 of this section. 6. (1) Before an application for a Missouri lifetime or extended concealed carry permit is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification. No biometric data shall be collected from the applicant. The sheriff shall conduct an inquiry of the National Instant Criminal Background Check System within three working days after submission of the properly completed application for a Missouri lifetime or extended concealed carry permit. Upon receipt of the completed report from the National Instant Criminal Background Check System, the sheriff shall examine the results and, if no disqualifying information is identified, shall issue a Missouri lifetime or extended concealed carry permit within three working days. (2) In the event the report from the National Instant Criminal Background Check System and the response from the Federal Bureau of Investigation national criminal history record check prescribed by subdivision (1) of this subsection are not completed within forty-five calendar days and no disqualifying information concerning the applicant has otherwise come to the sheriff's attention, the sheriff shall issue a provisional permit, clearly designated on the certificate as such, which the applicant shall sign in the presence of the sheriff or the sheriff's designee. This permit, when carried with a valid Missouri driver's or nondriver's license, shall permit the applicant to exercise the same rights in accordance with the same conditions as pertain to a Missouri lifetime or extended concealed carry permit issued under this section, provided that it shall not serve as an alternative to a national instant criminal background check required by 18 U.S.C. Section 922(t). The provisional permit shall remain valid until such time as the sheriff either issues or denies the permit under subsection 7 or 8 of this section. The sheriff shall revoke a provisional permit issued under this subsection within twenty-four hours of receipt of any report that identifies a disqualifying record, and shall notify the concealed carry permit system established under subsection 5 of section 650.350. The revocation of a provisional permit issued under this section shall be prescribed**in a manner consistent to the denial and review of an application under subsection 7 of this section. 7. The sheriff may refuse to approve an application for a Missouri lifetime or extended concealed carry permit if he or she determines that any of the requirements specified in subsection 3 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.205 to 571.230. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial under section 571.220. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial under section 571.220. 8. If the application is approved, the sheriff shall issue a Missouri lifetime or extended concealed carry permit to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the Missouri lifetime or extended concealed carry permit in the presence of the sheriff or his or her designee. 9. The Missouri lifetime or extended concealed carry permit shall specify only the following information: (1) Name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature of the permit holder; (2) The signature of the sheriff issuing the permit; (3) The date of issuance; (4) A clear statement indicating that the permit is only valid within the state of Missouri; and (5) If the permit is a Missouri extended concealed carry permit, the expiration date. --The permit shall be no larger than two and one-eighth inches wide by three and three-eighths inches long and shall be of a uniform style prescribed by the department of public safety. The permit shall also be assigned a concealed carry permit system county code and shall be stored in sequential number. 10. (1) The sheriff shall keep a record of all applications for a Missouri lifetime or extended concealed carry permit or a provisional permit and his or her action thereon. Any record of an application that is incomplete or denied for any reason

shall be kept for a period not to exceed one year. (2) The sheriff shall report the issuance of a Missouri lifetime or extended concealed carry permit or provisional permit to the concealed carry permit system. All information on any such permit that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.205 to 571.230. An applicant's status as a holder of a Missouri lifetime or extended concealed carry permit or provisional permit shall not be public information and shall be considered personal protected information. Information retained in the concealed carry permit system under this subsection shall not be distributed to any federal, state, or private entities and shall only be made available for a single entry query of an individual in the event the individual is a subject of interest in an active criminal investigation or is arrested for a crime. A sheriff may access the concealed carry permit system for administrative purposes to issue a permit, verify the accuracy of permit holder information, change the name or address of a permit holder, suspend or revoke a permit, cancel an expired permit, or cancel a permit upon receipt of a certified death certificate for the permit holder. Any person who violates the provisions of this subdivision by disclosing protected information shall be guilty of a class A misdemeanor. 11. Information regarding any holder of a Missouri lifetime or extended concealed carry permit is a closed record. No bulk download or batch data shall be distributed to any federal, state, or private entity, except to MoSMART or a designee thereof. 12. For processing an application, the sheriff in each county shall charge a nonrefundable fee not to exceed: (1) Two hundred dollars for a new Missouri extended concealed carry permit that is valid for ten years from the date of issuance or renewal; (2) Two hundred fifty dollars for a new Missouri extended concealed carry permit that is valid for twenty-five years from the date of issuance or renewal; (3) Fifty dollars for a renewal of a Missouri extended concealed carry permit; (4) Five hundred dollars for a Missouri lifetime concealed carry permit, --which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund. ---------- (L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016. **Word "proscribed" appears in original rolls.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.210 - Suspension or revocation, when — procedures — reactivation — notice to sheriff required, when — renewal — background check.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.210. Suspension or revocation, when — procedures — reactivation — notice to sheriff required, when — renewal — background check. —1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall be suspended or revoked if the Missouri lifetime or extended concealed carry permit holder becomes ineligible for such permit under the criteria established in subdivision (2), (3), (4), (5), (7), or (10) of subsection 3 of section 571.205. The following procedures shall be followed: (1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), (7), or (10) of subsection 3 of section 571.205 is issued against a person holding a Missouri lifetime or extended concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a Missouri lifetime or extended concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the Missouri lifetime or extended concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return the permit to good standing within the concealed carry permit system; (2) Any conviction, discharge, or commitment specified in sections 571.205 to 571.230 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the Missouri lifetime or extended concealed carry permit shall report the change in status of the concealed carry permit to the concealed carry permit system. 2. A Missouri lifetime or extended concealed carry permit shall be reactivated for a qualified applicant upon receipt of the properly completed application by the sheriff of the county of the applicant's residence and in accordance with subsection 2 of section 571.205. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each reactivation application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all reactivation requirements and is not disqualified under any provision of section 571.205, the sheriff shall issue a new Missouri lifetime or extended concealed carry permit, which contains the date such permit was reactivated. 3. Any person issued a Missouri lifetime or extended concealed carry permit shall notify the sheriff or his or her designee where the permit was issued within seven days after actual knowledge of the loss or destruction of his or her permit. The permit holder shall furnish a statement to the sheriff that the permit has been lost or destroyed. After notification of the loss or destruction of a permit, the sheriff may charge a processing fee of ten dollars for costs associated with replacing a lost or destroyed permit and shall reissue a new Missouri lifetime or extended concealed carry permit within three working days of being notified by the permit holder of its loss or destruction. The new Missouri lifetime or extended concealed carry permit shall contain the same personal information as the original concealed carry permit. 4. If a person issued a Missouri lifetime or extended concealed carry permit changes his or her name, the person to whom the permit was issued shall obtain a corrected or new Missouri lifetime or extended concealed carry permit with a change of name from the sheriff who issued the Missouri lifetime or extended concealed carry permit or upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten

dollars for any costs associated with obtaining a corrected or new Missouri lifetime or extended concealed carry permit. The permit holder shall furnish proof of the name change to the sheriff within thirty days of changing his or her name and display his or her Missouri lifetime or extended concealed carry permit. The sheriff shall report the name change to the concealed carry permit system, and the new name shall be accessible by the concealed carry permit system within three days of receipt of the information. 5. Any person issued a Missouri lifetime or extended concealed carry permit shall notify the sheriff of the new jurisdiction of the permit holder's change of residence within thirty days after the changing of a permanent residence to a location outside the county of permit issuance. The permit holder shall furnish proof to the sheriff in the new jurisdiction that the permit holder has changed his or her residence. The sheriff shall report the residence change to the concealed carry permit system, take possession and destroy the old permit, and then issue a new permit to the permit holder. The new address shall be accessible by the concealed carry permit system within three days of receipt of the information. 6. A Missouri extended concealed carry permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and payment of the required fee. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.205, except that in lieu of the firearms safety training, the applicant need only display his or her current Missouri extended concealed carry permit. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each renewal application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all renewal requirements and is not disqualified under any provision of section 571.205, the sheriff shall issue a new Missouri extended concealed carry permit which contains the date such permit was renewed. Upon successful completion of all renewal requirements, the sheriff shall issue a new Missouri extended concealed carry permit as provided under this subsection. 7. A person who has been issued a Missouri extended concealed carry permit who fails to file a renewal application for a Missouri extended concealed carry permit on or before its expiration date shall pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired Missouri extended concealed carry permit shall notify the concealed carry permit system that such permit is expired and cancelled. Any person who has been issued a Missouri extended concealed carry permit under sections 571.101 to 571.121 who fails to renew his or her application within the six-month period shall reapply for a concealed carry permit and pay the fee for a new application. 8. The sheriff of the county that issued the Missouri lifetime or extended concealed carry permit shall conduct a name-based inquiry of the National Instant Criminal Background Check System once every five years from the date of issuance or renewal of the permit. The sheriff shall review the results of the report from the National Instant Criminal Background Check System. If the sheriff determines the permit holder is disqualified under any provision of section 571.205, the sheriff shall revoke the Missouri lifetime or extended concealed carry permit and shall report the revocation to the concealed carry permit system. ---------- (L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.215 - Permit authorizes carrying on person or in vehicle — prohibited areas — penalty for violation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.215. Permit authorizes carrying on person or in vehicle — prohibited areas — penalty for violation. —1. A Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 shall authorize the person in whose name the permit is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No Missouri lifetime or extended concealed carry permit shall authorize any person to carry concealed firearms into: (1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries, or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule under subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule under subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (5) Any meeting of the governing body of a unit of local government, or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid Missouri lifetime or extended concealed carry permit from

carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid Missouri lifetime or extended concealed carry permit, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building; (6) The general assembly, supreme court, county, or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit holders in that portion of a building owned, leased, or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule, or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule, or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule, or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule, or ordinance. The provisions of this subdivision shall not apply to any other unit of government; (7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a Missouri lifetime or extended concealed carry permit to possess any firearm while intoxicated; (8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (9) Any place where the carrying of a firearm is prohibited by federal law; (10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the Missouri lifetime or extended concealed carry permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a Missouri lifetime or extended concealed carry permit; (12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager under rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a Missouri lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles owned by the employer; (16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises; (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a Missouri lifetime or extended concealed carry permit shall not be a criminal act but may subject the person to denial to

the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her Missouri lifetime or extended concealed carry permit revoked and such person shall not be eligible for a Missouri lifetime or extended concealed carry permit or a concealed carry permit issued under sections 571.101 to 571.121 for a period of three years. Upon conviction of charges arising from a citation issued under this subsection, the court shall notify the sheriff of the county which issued the Missouri lifetime or extended concealed carry permit. The sheriff shall suspend or revoke the Missouri lifetime or extended concealed carry permit. ---------- (L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.220 - Denial of application, right of appeal — appeal forms — right to trial de novo, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.220. Denial of application, right of appeal — appeal forms — right to trial de novo, when. —1. In any case when the sheriff refuses to issue a Missouri lifetime or extended concealed carry permit or to act on an application for such permit, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310, and 482.335 shall apply to such appeals. 2. A denial of or refusal to act on an application for a Missouri lifetime or extended concealed carry permit may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person: 3. The notice of appeal in a denial of a Missouri lifetime or extended concealed carry permit appeal shall be made to the sheriff in a manner and form determined by the small claims court judge. 4. If at the hearing the person shows he or she is entitled to the requested Missouri lifetime or extended concealed carry permit, the court shall issue an appropriate order to cause the issuance of the Missouri lifetime or extended concealed carry permit. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious. 5. Any person aggrieved by any final judgment rendered by a small claims court in a denial of a Missouri lifetime or extended concealed carry permit appeal may have a right to trial de novo as provided in sections 512.180 to 512.320. ---------- (L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.225 - Revocation, petition to revoke, when — revocation form — hearing — appeal — sheriff immune from liability, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.225. Revocation, petition to revoke, when — revocation form — hearing — appeal — sheriff immune from liability, when. —1. Any person who has knowledge that another person, who was issued a Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, never was or no longer is eligible for such permit under the criteria established in sections 571.205 to 571.230 may file a petition with the clerk of the small claims court to revoke that person's Missouri lifetime or extended concealed carry permit. The petition shall be in a form substantially similar to the petition for revocation of a Missouri lifetime or extended concealed carry permit provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person: 2. If at the hearing the plaintiff shows that the defendant was not eligible for the Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 at the time of issuance or renewal or is no longer eligible for a Missouri lifetime or extended concealed carry permit the court shall issue an appropriate order to cause the revocation of the Missouri lifetime or extended concealed carry permit. Costs shall not be assessed against the sheriff. 3. The finder of fact, in any action brought against a permit holder under subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the permit holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour. 4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a Missouri lifetime or extended concealed carry permit may have a right to trial de novo as provided in sections 512.180 to 512.320. 5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a Missouri lifetime or extended concealed carry permit issued under sections 571.205 to 571.230 so long as the sheriff acted in good faith. ---------- (L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.230 - Duty to carry permit — display of permit, when — citation for violation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.230. Duty to carry permit — display of permit, when — citation for violation. —Any person issued a Missouri lifetime or extended concealed carry permit under sections 571.205 to 571.230, shall carry the permit at all times the person is carrying a concealed firearm and shall display the permit and a state or federal government-issued photo identification upon the request of any peace officer. Failure to comply with this section shall not be a criminal offense but the Missouri lifetime or extended concealed carry permit holder may be issued a citation for an amount not to exceed thirty-five dollars. ---------- (L. 2016 S.B. 656) *Effective 10-14-16, see § 21.250. S.B. 656 was vetoed June 27, 2016. The veto was overridden on September 14, 2016.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.500 - Database and certain records, enabling or cooperating with state or federal government in developing prohibited, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 571.500. Database and certain records, enabling or cooperating with state or federal government in developing prohibited, when. —No state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate with or enable the state or*federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses. ---------- (L. 2013 S.B. 75 merged with S.B. 252) Effective 7-01-13 (S.B. 252); 8-28-13 (S.B. 75) *Words "state or" do not appear in original rolls of S.B. 252, 2013.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 571 - Weapons OffensesSection 571.510 - Housing authorities not permitted to prohibit lessees from possessing firearms — definitions — immunity from liability, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 571 *571.510. Housing authorities not permitted to prohibit lessees from possessing firearms — definitions — immunity from liability, when. —1. For purposes of this section, the terms"authority"or"housing authority"shall mean any of the corporations created pursuant to the authority of section 99.040 and any entity or agent associated with such authority that administers or uses public moneys provided by the United States Department of Housing and Urban Development to fund very low, lower, and moderate income public rental housing assistance. For purposes of this section, the term"lessee"means a lessee of residential premises. 2. Notwithstanding any provision of law to the contrary, no housing authority, authority, or lessor receiving public funds from a housing authority or authority shall prohibit a lessee or a member of the lessee's immediate household or guest from personally possessing firearms within an individual residence, common areas, or from carrying or transporting firearms to and from such residence in a manner allowed by law. Any provision of a lease, policy, rule, or agreement in violation of this section shall be void and unenforceable. 3. No housing authority, authority, or lessor under this section shall be liable in tort or any other civil action for damages caused by a lessee's possession or use of a firearm on property owned by the lessor, unless a housing authority, authority, or lessor or an officer, agent, or employee of such housing authority, authority, or lessor: (1) Violated section 571.060 or otherwise caused the lessee, the household member, or guest to engage in any unsafe or illegal actions with a firearm; or (2) Engaged in acts or failures to act which were manifestly outside the scope of employment, duties, or responsibilities or were committed maliciously, in bad faith, or in a wanton and reckless manner. ---------- (L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.010 - Chapter definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.010. Chapter definitions. —As used in this chapter the following terms mean: (1)"Advance gambling activity", a person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his or her knowledge for purposes of gambling activity, he or she permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. The supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800 to 313.840 does not constitute advancing gambling activity; (2)"Bookmaking", advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcomes of future contingent events; (3)"Contest of chance", any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may

also be a factor therein; (4)"Gambling", a person engages in gambling when he or she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he or she will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance; nor does gambling include playing an amusement device that confers only an immediate right of replay not exchangeable for something of value. Gambling does not include any licensed activity, or persons participating in such games which are covered by sections 313.800 to 313.840; (5)"Gambling device", any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition; (6)"Gambling record", any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with unlawful gambling activity; (7)"Lottery"or"policy", an unlawful gambling scheme in which for a consideration the participants are given an opportunity to win something of value, the award of which is determined by chance; (8)"Player", a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in subdivision (2) of this section is not a player; (9)"Professional player", a player who engages in gambling for a livelihood or who has derived at least twenty percent of his or her income in any one year within the past five years from acting solely as a player; (10)"Profit from gambling activity", a person profits from gambling activity if, other than as a player, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity; (11)"Slot machine", a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance; (12)"Something of value", any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge; (13)"Unlawful", not specifically authorized by law. ---------- (L. 1977 S.B. 60, A.L. 1991 H.B. 149 Adopted by Referendum, Proposition A, November 3, 1992, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.015 - Constitutionally authorized activities not prohibited.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.015. Constitutionally authorized activities not prohibited. —Nothing in this chapter prohibits constitutionally authorized activities under Article III, Sections 39(a) to 39(f) of the Missouri Constitution. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.020 - Gambling — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.020. Gambling — penalty. —1. A person commits the offense of gambling if he or she knowingly engages in gambling. 2. The offense of gambling is a class C misdemeanor unless: (1) It is committed by a professional player, in which case it is a class A misdemeanor; or (2) The person knowingly engages in gambling with a child less than seventeen years of age, in which case it is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.030 - Promoting gambling in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.030. Promoting gambling in the first degree — penalty. —1. A person commits the offense of promoting gambling in the first degree if he or she knowingly advances or profits from unlawful gambling or lottery activity by: (1) Setting up and operating a gambling device to the extent that more than one hundred dollars of money is gambled upon or by means of the device in any one day, or setting up and operating any slot machine; or (2) Engaging in bookmaking to the extent that he or she receives or accepts in any one day more than one bet and a total of more than one hundred dollars in bets; or (3) Receiving in connection with a lottery or policy or enterprise: (a) Money or written records from a person other than a player whose chances or plays are represented by such money or

records; or (b) More than one hundred dollars in any one day of money played in the scheme or enterprise; or (c) Something of value played in the scheme or enterprise with a fair market value exceeding one hundred dollars in any one day. 2. The offense of promoting gambling in the first degree is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.040 - Promoting gambling in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.040. Promoting gambling in the second degree — penalty. —1. A person commits the offense of promoting gambling in the second degree if he or she knowingly advances or profits from unlawful gambling or lottery activity. 2. The offense of promoting gambling in the second degree is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.050 - Possession of gambling records in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.050. Possession of gambling records in the first degree — penalty. —1. A person commits the offense of possession of gambling records in the first degree if, with knowledge of the contents thereof, he or she possesses any gambling record of a kind used: (1) In the operation or promotion of a bookmaking scheme or enterprise, and constituting, reflecting or representing more than five bets totaling more than five hundred dollars; or (2) In the operation, promotion or playing of a lottery or policy scheme or enterprise, and constituting, reflecting or representing more than five hundred plays or chances therein. 2. No offense is committed under subdivision (1) of subsection 1 of this section if the gambling record possessed by the person constituted, reflected or represented his or her own bets in a number not exceeding ten. 3. The defendant shall have the burden of injecting the issue under subsection 2. 4. The offense of possession of gambling records in the first degree is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.060 - Possession of gambling records in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.060. Possession of gambling records in the second degree — penalty. —1. A person commits the offense of possession of gambling records in the second degree if, with knowledge of the contents thereof, he or she possesses any gambling record of a kind used: (1) In the operation or promotion of a bookmaking scheme or enterprise; or (2) In the operation, promotion or playing of a lottery or policy scheme or enterprise. 2. No offense is committed under subdivision (1) of subsection 1 of this section if the gambling record possessed by the person constituted, reflected or represented bets in a number not exceeding ten. 3. The defendant shall have the burden of injecting the issue under subsection 2. 4. The offense of possession of gambling records in the second degree is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.070 - Possession of a gambling device — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.070. Possession of a gambling device — penalty. —1. A person commits the offense of possession of a gambling device if, with knowledge of the character thereof, he or she manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of: (1) A slot machine; or (2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity. 2. The offense of possession of a gambling device is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.080 - Lottery offenses — no defense.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.080. Lottery offenses — no defense. —It is no defense under any section of this chapter relating to a lottery that the lottery itself is drawn or conducted outside Missouri and is not in violation of the laws of the jurisdiction in which it is drawn or conducted. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.090 - Gambling houses, public nuisances — abatement.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.090. Gambling houses, public nuisances — abatement. —1. Any room, building or other structure regularly used for any unlawful gambling activity prohibited by this chapter is a public nuisance. 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or

structure knew or had reason to believe that the premises were being used regularly for unlawful gambling activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year. 3. Appeals shall be allowed from the judgment of the court as in other civil actions. ---------- (L. 1977 S.B. 60) Effective 1-01-79

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.100 - Preemption — exclusions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.100. Preemption — exclusions. —The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by this chapter. No governmental subdivision or agency may enact or enforce a law that regulates or makes any conduct in the area covered by this chapter an offense, or the subject of a criminal or civil penalty or sanction of any kind. The term"gambling", as used in this chapter, does not include licensed activities under sections 313.800 to 313.840. ---------- (L. 1977 S.B. 60, A.L. 1991 H.B. 149 Adopted by Referendum, Proposition A, November 3, 1992)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 572 - GamblingSection 572.125 - Antique slot machines exempt from section 572.120, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 572 572.125. Antique slot machines exempt from section 572.120, when. —1. It shall be an affirmative defense to any prosecution under this chapter relating to slot machines, if the defendant shows that the slot machine is an antique slot machine and was not operated for gambling purposes while in the defendant's possession. For the purposes of this section, an antique slot machine is one which is over thirty years old. 2. Notwithstanding section 513.660*, whenever the defense provided by subsection 1 of this section is offered, no slot machine seized from any defendant shall be destroyed or otherwise altered until after a final court determination that such defense is not applicable. If the defense is applicable, any such slot machine shall be returned pursuant to provisions of law providing for the return of property. ---------- (L. 1977 S.B. 60) Effective 1-01-79 *Section 572.120 was transferred to section 513.660 by S.B. 491, 2014, effective 1-01-17.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.010 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.010. Definitions. —As used in this chapter the following terms shall mean: (1)"Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude; (2)"Characterized by", describing the essential character or dominant theme of an item; (3)"Child", any person under the age of fourteen; (4)"Child pornography": (a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor; or (b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where: a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct."Identifiable minor"means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term identifiable minor shall not be construed to require proof of the actual identity of the identifiable minor; (5)"Employ","employee", or"employment", any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises; (6)"Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition; (7)"Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide; (8)"Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects; (9)"Minor", any person less than eighteen years of age; (10)"Nudity"or"state of nudity", the showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola; (11)"Obscene", any material or performance if, taken as a whole: (a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (b) The average person, applying contemporary community

standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value; (12)"Operator", any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business; (13)"Performance", any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more; (14)"Pornographic for minors", any material or performance if the following apply: (a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and (b) The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and (c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors; (15)"Premises", the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both; (16)"Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer; (17)"Regularly", the consistent and repeated doing of the act so described; (18)"Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification; (19)"Semi-nude"or"state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part; (20)"Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification; (21)"Sexually explicit conduct", actual or simulated: (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) Bestiality; (c) Masturbation; (d) Sadistic or masochistic abuse; or (e) Lascivious exhibition of the genitals or pubic area of any person; (22)"Sexually oriented business"includes: (a) An adult bookstore or adult video store."Adult bookstore"or"adult video store"means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment: a. Has a substantial portion of its displayed merchandise which consists of such items; or b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or e. Maintains a substantial section of its interior business space for the sale or rental of such items; or f. Maintains an adult arcade."Adult arcade"means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas; (b) An adult cabaret; (c) An adult motion picture theater."Adult motion picture theater"means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration; (d) A semi-nude model studio."Semi-nude model studio"means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated: a. By a college, junior college, or university supported entirely or partly by taxation; b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or c. In a structure: (i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and (ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class; (e) A sexual encounter center."Sexual encounter center"means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude; (23)"Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than eighteen years of age; (24)"Specified anatomical areas"include: (a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered; (25)"Specified sexual activity", includes any of the following: (a) Intercourse, oral copulation, masturbation, or sodomy; or (b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision; (26)"Substantial", at least thirty percent of the

item or items so modified; (27)"Visual depiction", includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image. ---------- (L. 1977 S.B. 60, A.L. 1985 H.B. 366, et al., A.L. 1987 H.B. 113, et al., A.L. 1989 H.B. 225, A.L. 2000 S.B. 757 & 602, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.020 - Promoting obscenity in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.020. Promoting obscenity in the first degree — penalty. —1. A person commits the offense of promoting obscenity in the first degree if, knowing of its content and character, such person: (1) Wholesale promotes or possesses with the purpose to wholesale promote any obscene material; or (2) Wholesale promotes for minors or possesses with the purpose to wholesale promote for minors any material pornographic for minors; or (3) Promotes, wholesale promotes or possesses with the purpose to wholesale promote for minors material that is pornographic for minors via computer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor. 2. The offense of promoting obscenity in the first degree is a class E felony. 3. As used in this section,"wholesale promote"means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.023 - Sexual exploitation of a minor — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.023. Sexual exploitation of a minor — penalties. —1. A person commits the offense of sexual exploitation of a minor if such person knowingly or recklessly photographs, films, videotapes, produces or otherwise creates obscene material with a minor or child pornography. 2. The offense of sexual exploitation of a minor is a class B felony unless the minor is a child, in which case it is a class A felony. ---------- (L. 2000 S.B. 757 & 602, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.024 - Enabling sexual exploitation of a minor, offense of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.024. Enabling sexual exploitation of a minor, offense of — penalty. —1. A person commits the offense of enabling sexual exploitation of a minor if such person acting with criminal negligence permits or allows any violation of section 566.210, 566.211, 573.020, 573.023, 573.025, 573.030, 573.035, 573.200, or 573.205. 2. The offense of enabling sexual exploitation of a minor is a class E felony for the first offense and a class C felony for a second or subsequent offense. 3. If the person guilty of the offense of enabling sexual exploitation of a minor is an owner of a business or the owner's agent and the business provided the location or locations for such exploitation, the business location or locations shall be required to close for up to one year for the first offense, and the length of time shall be determined by the court. For a second offense, such business location or locations shall permanently close. As used in this section,"business"shall include, but is not limited to, a hotel or massage parlor and"owner's agent"shall include any person empowered to manage the owner's business location or locations. ---------- (L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.025 - Promoting child pornography in the first degree — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.025. Promoting child pornography in the first degree — penalties. —1. A person commits the offense of promoting child pornography in the first degree if, knowing of its content and character, such person possesses with the intent to promote or promotes child pornography of a child less than fourteen years of age or obscene material portraying what appears to be a child less than fourteen years of age. 2. The offense of promoting child pornography in the first degree is a class B felony unless the person knowingly promotes such material to a minor, in which case it is a class A felony. No person who is found guilty of promoting child pornography in the first degree shall be eligible for probation, parole, or conditional release for a period of three calendar years. 3. Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider. ---------- (L. 1985 H.B. 366, et al., A.L. 2000 S.B. 757 & 602, A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.030 - Promoting obscenity in the second degree — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.030. Promoting obscenity in the second degree — penalties. —1. A person commits the offense of promoting pornography for minors or obscenity in the second degree if, knowing of its content and character, he or she: (1) Promotes or possesses with the purpose to

promote any obscene material for pecuniary gain; or (2) Produces, presents, directs or participates in any obscene performance for pecuniary gain; or (3) Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or (4) Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or (5) Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor. 2. The offense of promoting pornography for minors or obscenity in the second degree is a class A misdemeanor unless the person has been found guilty of an offense pursuant to this section committed at a different time, in which case it is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17 (1986) It may be inferred that a clerk in a convenience store "knows", for purpose of a criminal conviction under this section, of the obscene nature of a magazine's content if the cover is sexually explicit. State v. Triplett, 722 S.W.2d 633 (Mo.App.). (1989) Obscenity is not within the area of constitutionally protected speech and statute is not impermissibly overbroad, ambiguous, or vague, and gives adequate prior notice of what constitutes prohibited conduct. (Mo. banc) State v. Simmer, 772 S.W.2d 372.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.035 - Promoting child pornography in the second degree — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.035. Promoting child pornography in the second degree — penalties. —1. A person commits the offense of promoting child pornography in the second degree if, knowing of its content and character, such person possesses with the intent to promote or promotes child pornography of a minor under the age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen. 2. The offense of promoting child pornography in the second degree is a class D felony unless the person knowingly promotes such material to a minor, in which case it is a class B felony. No person who is found guilty of promoting child pornography in the second degree shall be eligible for probation. ---------- (L. 1985 H.B. 366, et al., A.L. 2000 S.B. 757 & 602, A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.037 - Possession of child pornography — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.037. Possession of child pornography — penalty. —1. A person commits the offense of possession of child pornography if such person knowingly or recklessly possesses any child pornography of a minor less than eighteen years of age or obscene material portraying what appears to be a minor less than eighteen years of age. 2. The offense of possession of child pornography is a class D felony if the person possesses one still image of child pornography or one obscene still image. The offense of possession of child pornography is a class B felony if the person: (1) Possesses: (a) More than twenty still images of child pornography; or (b) More than twenty obscene still images; or (c) Child pornography comprised of one motion picture, film, videotape, videotape production, or other moving image; or (d) Obscene material comprised of one motion picture, film, videotape production, or other moving image; or (2) Has previously been found guilty of an offense under this section. 3. A person who has committed the offense of possession of child pornography is subject to separate punishments for each item of child pornography or obscene material possessed by the person. ---------- (L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602, A.L. 2004 H.B. 1055, A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17 (2023) Sufficient evidence exists to support a conviction for knowing possession of child pornography when evidence of such images are found in cache files on a defendant's computer and other corroborating evidence exists that defendant knowingly possessed child pornography. State v. Ingram, 662 S.W.3d 212 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.038 - Property or material constituting child pornography to remain in custody of the state — availability of, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.038. Property or material constituting child pornography to remain in custody of the state — availability of, when. —1. In any criminal proceeding, any property or material that constitutes child pornography shall remain in the care, custody, and control of either the state or the court. 2. (1) Notwithstanding Missouri rule of criminal procedure 25.03 or any other rule or statute to the contrary, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography, so long as the state makes the property or material reasonably available to the defendant. (2) For the purposes of subdivision (1) of this subsection, property or material shall be deemed to be reasonably available to the defendant if the state provides ample opportunity for inspection, viewing, and examination at a state or other governmental facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial. ---------- (L. 2008 S.B. 714, et al.) Effective 6-30-08

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.040 - Furnishing pornographic materials to minors — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.040. Furnishing pornographic materials to minors — penalty. —1. A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he or she: (1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or (2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or (3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor. 2. It is not a defense to a prosecution for a violation of this section that the person being furnished the pornographic material is a peace officer masquerading as a minor. 3. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is a class A misdemeanor unless the person has been found guilty of an offense committed at a different time pursuant to this chapter, chapter 566 or chapter 568, in which case it is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2000 S.B. 757 & 602, A.L. 2004 H.B. 1055, A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.050 - Evidence in obscenity and child pornography cases.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.050. Evidence in obscenity and child pornography cases. —1. In any prosecution under this chapter evidence shall be admissible to show: (1) What the predominant appeal of the material or performance would be for ordinary adults or minors; (2) The literary, artistic, political or scientific value of the material or performance; (3) The degree of public acceptance in this state and in the local community; (4) The appeal to prurient interest in advertising or other promotion of the material or performance; (5) The purpose of the author, creator, promoter, furnisher or publisher of the material or performance. 2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible. 3. In any prosecution under this chapter, when it becomes necessary to determine whether a person was less than seventeen or eighteen years of age, the court or jury may make this determination by any of the following methods: (1) Personal inspection of the child; (2) Inspection of the photograph or motion picture that shows the child engaging in the sexual performance; (3) Oral testimony by a witness to the sexual performance as to the age of the child based on the child's appearance at the time; (4) Expert medical testimony based on the appearance of the child engaging in the sexual performance; or (5) Any other method authorized by law or by the rules of evidence. 4. In any prosecution for promoting child pornography in the first or second degree, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to prevailing standards in the community as a whole. ---------- (L. 1977 S.B. 60, A.L. 1985 H.B. 366, et al., A.L. 1987 H.B. 113, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.052 - Child pornography, attorney general authorized to investigate, when — violator immune from civil liability, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.052. Child pornography, attorney general authorized to investigate, when — violator immune from civil liability, when. —Upon receipt of any information that child pornography as defined in section 573.010 is contained on a website, the attorney general shall investigate such information. If the attorney general has probable cause to believe the website contains child pornography, the attorney general shall notify a website operator of any child pornography site residing on that website operator's server, in writing. If the website operator promptly, but in no event longer than five days after receiving notice, removes the alleged pornography from its server, and so long as the website operator is not the purveyor of such child pornography, it shall be immune from civil liability. If the website operator does not promptly remove the alleged pornography, the attorney general may seek an injunction pursuant to section 573.070 to remove the child pornography site from the website operator's server. This section shall not be construed to create any defense to any criminal charges brought pursuant to this chapter. ---------- (L. 2003 H.B. 228, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.060 - Public display of explicit sexual material — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.060. Public display of explicit sexual material — penalties. —1. A person commits the offense of public display of explicit sexual material if he or she recklessly: (1) Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public; or (2) Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence. 2. The offense of public display of explicit sexual material is a class A misdemeanor unless the person has been found guilty of an offense under this section committed at a different time, in which case it is a class E felony. 3. For purposes of this section, each day there is a violation of this

section shall constitute a separate offense. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.065 - Coercing acceptance of obscene material — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.065. Coercing acceptance of obscene material — penalty. —1. A person commits the offense of coercing acceptance of obscene material if such person knowingly: (1) Requires acceptance of obscene material as a condition to any sale, allocation, consignment or delivery of any other material; or (2) Denies any franchise or imposes any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept any material obscene or pornographic for minors. 2. The offense of coercing acceptance of obscene material is a class E felony. ---------- (L. 1987 H.B. 113, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.070 - Injunctions and declaratory judgments.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.070. Injunctions and declaratory judgments. —1. Whenever material or a performance is being or is about to be promoted, furnished or displayed in violation of this chapter, a civil action may be instituted in the circuit court by the prosecuting or circuit attorney or by the city attorney of any city, town or village against any person violating or about to violate those sections in order to obtain a declaration that the promotion, furnishing or display of such material or performance is prohibited. Such an action may also seek an injunction appropriately restraining promotion, furnishing or display of the material or performance. 2. Such an action may be brought only in the circuit court of the county in which any such person resides, or where the violation is taking place or about to take place. 3. Any promoter, furnisher or displayer of, or a person who is about to be a promoter, furnisher or displayer of, the material or performance involved may intervene as of right as a party defendant in the proceedings. 4. The trial court and the appellate court shall give expedited consideration to actions and appeals brought under this section. The defendant shall be entitled to a trial of the issues beginning within one week after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. No restraining order or injunction of any kind shall be issued restraining the promotion, furnishing or display of any material or performance without a prior adversary hearing before the court. 5. A final declaration obtained pursuant to this section may be used to form the basis for an injunction and for no other purpose. 6. All laws regulating the procedure for obtaining declaratory judgments or injunctions which are inconsistent with the provisions of this section shall be inapplicable to proceedings brought pursuant to this section. There shall be no right to jury trial in any proceedings under this section. ---------- (L. 1977 S.B. 60, A.L. 1987 H.B. 113, et al.) Effective 7-15-87

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.080 - Preemption and standardization — cities, towns, and certain counties may regulate, limitations.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.080. Preemption and standardization — cities, towns, and certain counties may regulate, limitations. —The general assembly by enacting this chapter intends to preempt any other regulation of the area covered by section 573.020, to promote statewide control of pornography, and to standardize laws that governmental subdivisions may adopt in other areas covered by this chapter. No governmental subdivision may enact or enforce a law that makes any conduct in the area covered by section 573.020 subject to a criminal or civil penalty of any kind. Cities and towns and counties of the first class may enact and enforce laws prohibiting and penalizing conduct subject to criminal or civil sanctions under other provisions of this chapter. ---------- (L. 1977 S.B. 60, A.L. 1981 S.B. 365, A.L. 1987 H.B. 113, et al.) Effective 7-15-87

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.090 - Video cassettes, morbid violence, to be kept in separate area — sale or rental to persons under seventeen prohibited, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.090. Video cassettes, morbid violence, to be kept in separate area — sale or rental to persons under seventeen prohibited, penalties. —1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if: (1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons less than seventeen years of age; and (2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons less than seventeen years of age; and (3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons less than seventeen years of age. 2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person less than seventeen years of age. 3. Violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials to minors as

defined in section 573.040, in which case it shall be punishable as a class A misdemeanor or class E felony as prescribed in section 573.040, or unless such violation constitutes promoting obscenity in the second degree as defined in section 573.030, in which case it shall be punishable as a class A misdemeanor or class E felony as prescribed in section 573.030. ---------- (L. 1989 H.B. 225 § 1, A.L. 2014 S.B. 491) Effective 1-01-17 (1992) Where statute attempted to regulate expression was not drafted with precision and clarity and did not contain definitions of prohibited conduct so that people of common intelligence might guess at the meaning of the statute, statute is unconstitutionally vague. Video Software Dealers Assn. v. Webster, 773 F.Supp. 1275 (W.D. Mo.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.100 - Telephones, obscene or indecent commercial messages, direct or electronic recording, penalties, exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.100. Telephones, obscene or indecent commercial messages, direct or electronic recording, penalties, exceptions. —1. As used in this section, the following terms mean: (1)"Indecent", language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs; (2)"Obscene", any comment, request, suggestion or proposal is obscene if: (a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (b) Taken as a whole with respect to the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and (c) Taken as a whole, it lacks serious literary, artistic, political or scientific value. Obscenity shall be judged with reference to its impact upon ordinary adults. 2. A person commits the offense of obscene or indecent commercial messaging if he or she, by means of a telephone communication for commercial purposes, makes directly or by means of an electronic recording device, any comment, request, suggestion, or proposal which is obscene or indecent; or knowingly permits any telephone or telephone facility connected to a local exchange telephone under such person's control to be used for obscene or indecent commercial messaging. Any person who makes any such comment, request, suggestion, or proposal shall be in violation of the provisions of this section regardless of whether such person placed or initiated the telephone call. 3. The offense of obscene or indecent commercial messaging is a class A misdemeanor unless such person has been found guilty of the same offense committed at a different time, in which case the violation is a class E felony. For purposes of this subsection, each violation constitutes a separate offense. 4. The prohibitions and penalties contained herein are not applicable to a telecommunications company as defined in section 386.020 over whose facilities prohibited communications may be transmitted. ---------- (L. 1989 H.B. 225 § 2, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.110 - Nonconsensual dissemination of private sexual images, offense of — definitions — elements — exemptions — immunity from liability, when — penalty — private cause of action, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.110. Nonconsensual dissemination of private sexual images, offense of — definitions — elements — exemptions — immunity from liability, when — penalty — private cause of action, when. —1. As used in this section and section 573.112, the following terms mean: (1)"Computer", a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage and telecommunications devices connected to computers; (2)"Computer program", a series of coded instructions or statements in a form acceptable to a computer that causes the computer to process data and supply the results of the data processing; (3)"Data", a representation in any form of information, knowledge, facts, concepts, or instructions including, but not limited to, program documentation, that is prepared or has been prepared in a formalized manner and is stored or processed in or transmitted by a computer or in a system or network. Data is considered property and may be in any form including, but not limited to, printouts, magnetic or optical storage media, punch cards, data stored internally in the memory of the computer, or data stored externally that is accessible by the computer; (4)"Image", a photograph, film, videotape, digital recording, or other depiction or portrayal of an object, including a human body; (5)"Intimate parts", the fully unclothed, partially unclothed, or transparently clothed genitals, pubic area, or anus or, if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing; (6)"Private mobile radio services", private land mobile radio services and other communications services characterized by the public service commission as private mobile radio services; (7)"Public mobile services", air-to-ground radio telephone services, cellular radio telecommunications services, offshore radio, rural radio services, public land mobile telephone services, and other common carrier radio communications services; (8)"Sexual act", sexual penetration, masturbation, or sexual activity; (9)"Sexual activity", any: (a) Knowing touching or fondling by the victim or another person or animal, either directly or through clothing, of the sex organs, anus, or breast of the victim or another person or animal for the purpose of sexual gratification or arousal; (b) Transfer or transmission of semen upon any part of the clothed or unclothed body of the victim for the purpose of sexual gratification or arousal of the victim or another; (c) Act of urination within a sexual context; (d) Bondage, fetter, sadism, or masochism; or (e) Sadomasochism abuse in any sexual context. 2. A person commits the offense of nonconsensual dissemination of private sexual images if he or she: (1) Intentionally disseminates an image with the intent to harass, threaten, or coerce another person: (a) Who is at least eighteen years of age; (b) Who is identifiable from the image itself or information displayed in connection with the image; and (c) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part; (2) Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and (3) Knows or should have known that the person in the image did not consent to the dissemination. 3. The following activities are exempt from the

provisions of this section: (1) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination is made for the purpose of a criminal investigation that is otherwise lawful; (2) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct; (3) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the image involves voluntary exposure in a public or commercial setting; or (4) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed if the dissemination serves a lawful public purpose. 4. Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person: (1) An interactive computer service, as defined in 47 U.S.C. Section 230(f)(2); (2) A provider of public mobile services or private mobile radio services; or (3) A telecommunications network or broadband provider. 5. A person convicted under this section is subject to the forfeiture provisions under sections 513.600 to 513.660. 6. The offense of nonconsensual dissemination of private sexual images is a class D felony. 7. In addition to the criminal penalties listed in subsection 6 of this section, the person in violation of the provisions of this section shall also be subject to a private cause of action from the depicted person. Any successful private cause of action brought under this subsection shall result in an award equal to ten thousand dollars or actual damages, whichever is greater, and in addition shall include attorney's fees. Humiliation or embarrassment shall be an adequate showing that the plaintiff has incurred damages; however, no physical manifestation of either humiliation or embarrassment is necessary for damages to be shown. ---------- (L. 2018 H.B. 1558, A.L. 2019 H.B. 243 & 544)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.112 - Threatening the nonconsensual dissemination of private sexual images, offense of — elements — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.112. Threatening the nonconsensual dissemination of private sexual images, offense of — elements — penalty. —1. A person commits the offense of threatening the nonconsensual dissemination of private sexual images if he or she gains or attempts to gain anything of value, or coerces or attempts to coerce another person to act or refrain from acting, by threatening to disseminate an image of another person, which was obtained under circumstances in which a reasonable person would know or understand that the image was to remain private, against the will of such person: (1) Who is at least eighteen years of age; (2) Who is identifiable from the image itself or information displayed in connection with the image; and (3) Who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part. 2. The offense of threatening the nonconsensual dissemination of private sexual images is a class E felony. ---------- (L. 2018 H.B. 1558) Effective 6-01-18

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.200 - Child used in sexual performance — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.200. Child used in sexual performance — penalties. —1. A person commits the offense of use of a child in a sexual performance if, knowing the character and content thereof, the person employs, authorizes, or induces a child less than eighteen years of age to engage in a performance which includes sexual conduct or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in such sexual performance. 2. The offense of use of a child in a sexual performance is a class C felony, unless in the course thereof the person inflicts serious emotional injury on the child, in which case the offense is a class B felony. 3. The court shall not grant a suspended imposition of sentence or a suspended execution of sentence to a person who has previously been found guilty of an offense under this section. ---------- (L. 1984 H.B. 1255, A.L. 2014 S.B. 491) Transferred 2014; formerly 568.080; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.205 - Promoting sexual performance by a child — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.205. Promoting sexual performance by a child — penalties. —1. A person commits the offense of promoting a sexual performance by a child if, knowing the character and content thereof, the person promotes a performance which includes sexual conduct by a child less than eighteen years of age or produces, or directs any performance which includes sexual conduct by a child less than eighteen years of age. 2. The offense of promoting a sexual performance by a child is a class C felony. 3. The court shall not grant a suspended imposition of sentence or a suspended execution of sentence to a person who has previously been found guilty of an offense under this section. ---------- (L. 1984 H.B. 1255, A.L. 2014 S.B. 491) Transferred 2014; formerly 568.090; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.206 - Patronizing a sexual performance of a child, offense of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.206. Patronizing a sexual performance of a child, offense of — penalty. —1. A person commits the offense of patronizing a sexual

performance by a child if such person obtains, solicits, or participates in a sexual performance by a child under eighteen years of age. 2. The offense of patronizing a sexual performance by a child is a class C felony. ---------- (L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.215 - Failure to report child pornography — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.215. Failure to report child pornography — penalty. —1. A person commits the offense of failure to report child pornography if he or she being a film and photographic print processor, computer provider, installer or repair person, or any internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a child under eighteen years of age engaged in an act of sexual conduct fails to report such instance to any law enforcement agency immediately or as soon as practically possible. 2. The offense of failure to report child pornography is a class B misdemeanor. 3. Nothing in this section shall be construed to require a provider of electronic communication services or remote computing services to monitor any user, subscriber or customer of the provider, or the content of any communication of any user, subscriber or customer of the provider. ---------- (L. 1984 H.B. 1255, A.L. 2000 S.B. 757 & 602, A.L. 2014 S.B. 491) Transferred 2014; formerly 568.110; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.503 - Local government may require background checks.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.503. Local government may require background checks. —Notwithstanding any provision of law to the contrary, any city not within a county and any county may, by order or ordinance, require a background check be conducted on all employees of any adult cabaret to ascertain whether any such employees have been convicted of or have pled guilty to any misdemeanor or felony involving prostitution or aiding or abetting prostitution, drug possession or trafficking, money laundering, tax evasion, or illegal gambling activity. ---------- (L. 1993 S.B. 180 § 12) Effective 7-02-93

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.505 - Sales tax authorized, vote required — ballot — disposition of revenue — termination — city and county background check tax trust fund created, refunds — duties of director of revenue.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.505. Sales tax authorized, vote required — ballot — disposition of revenue — termination — city and county background check tax trust fund created, refunds — duties of director of revenue. —1. In order to defray the costs of background checks conducted pursuant to section 573.503, any city not within a county and any county may, by ordinance or order, impose a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.510 made in such city or county by any adult cabaret. The tax authorized by this section shall not be levied at a rate which would amount to a sum greater than ten percent of the gross receipts of any such business. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order or ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city or county submits to the voters of the city or county, at a city, county or state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax. 2. The ballot of submission shall contain, but need not be limited to, the following language: --If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and until the governing body of the city or county shall again have submitted another proposal to authorize the governing body of the city or county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon. 3. All revenue received by a city or county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used by the city or county for the investigation of the backgrounds of persons employed at any adult cabaret in such city or county and for the general law enforcement use of the sheriff's office. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds. 4. The tax authorized by this section shall terminate four years from the date on which such tax was initially imposed by the city or county, unless sooner abolished by the governing body of the city or county. 5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "City and County Background Check Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city or county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the city or county treasurer of each such city or county, and all

expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city or county. 6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county. 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section. 8. As used in this section, the term"city"means any city not within a county. ---------- (L. 1993 S.B. 180 § 13, A.L. 2005 S.B. 210) (2001) Imposition of tax on adult cabarets does not violate the equal protection or due process clauses of the federal and state constitutions. Miss Kitty's Saloon, Inc. v. Missouri Department of Revenue, 41 S.W.3d 466 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.507 - Minimum age limit — security personnel — random drug testing — space limitation — prohibition of public displays.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.507. Minimum age limit — security personnel — random drug testing — space limitation — prohibition of public displays. —1. Notwithstanding any provision of law to the contrary, any city not within a county and any county may establish a minimum age limit for admission into any adult cabaret within the city or county. 2. Notwithstanding any provision of law to the contrary, any city not within a county and any county may require security personnel to be present on the premises of any adult cabaret within the city or county. 3. Notwithstanding any provision of law to the contrary, any city not within a county and any county may require employers of any adult cabaret within the city or county to conduct random testing for the presence of illegal substances within the blood or urine of any or all employees of such adult cabaret. 4. Notwithstanding any provision of law to the contrary, any city not within a county and any county may prohibit within such city or county any live public nudity within ten feet of any person observing such nudity. 5. Notwithstanding any provision of law to the contrary, any city not within a county and any county may prohibit within such city or county the public display of sexual intercourse, deviate sexual intercourse or appearing in a state of nudity in any adult cabaret. ---------- (L. 1993 S.B. 180 § 14) Effective 7-02-93

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.509 - Adult cabaret, persons less than nineteen years of age prohibited from dancing, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.509. Adult cabaret, persons less than nineteen years of age prohibited from dancing, penalty. —1. No person less than nineteen years of age shall dance in an adult cabaret, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret. 2. Violation of this section is a class A misdemeanor. ---------- (L. 2003 S.B. 298, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.525 - Purpose — findings.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.525. Purpose — findings. —1. It is the purpose of sections 573.525 to 573.537 to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of this state, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the state. The provisions of sections 573.525 to 573.537 have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of sections 573.525 to 573.537 to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of sections 573.525 to 573.537 to condone or legitimize the distribution of obscene material. 2. The general assembly finds that: (1) Sexually oriented businesses, as a category of commercial enterprises, are associated with a wide variety of adverse secondary effects, including but not limited to personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation; (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area; (3) Each of the foregoing negative secondary effects constitutes a harm which the state has a substantial interest in preventing or abating, or both. Such substantial government interest in preventing secondary effects, which is the state's rationale for sections 573.525 to 573.537, exists

independent of any comparative analysis between sexually oriented and nonsexually oriented businesses. Additionally, the state's interest in regulating sexually oriented businesses extends to preventing future secondary effects of current or future sexually oriented businesses that may locate in the state. ---------- (L. 2010 S.B. 586 & 617)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.531 - Establishment of business, prohibited where — nudity in establishment prohibited — display of sexual activities, requirements — state requirements — hours of operation — minors and alcohol prohibited — definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.531. Establishment of business, prohibited where — nudity in establishment prohibited — display of sexual activities, requirements — state requirements — hours of operation — minors and alcohol prohibited — definitions. —1. No person shall establish a sexually oriented business within one thousand feet of any preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. This subsection shall not apply to any sexually oriented business lawfully established prior to August 28, 2010. For purposes of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. 2. No person shall establish a sexually oriented business if a person with an influential interest in the sexually oriented business has been found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later: (1) Rape and sexual assault offenses; (2) Sexual offenses involving minors; (3) Offenses involving prostitution; (4) Obscenity offenses; (5) Offenses involving money laundering; (6) Offenses involving tax evasion; (7) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (1) to (6) of this subsection; or (8) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in subdivisions (1) to (7) of this subsection. 3. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity. 4. No employee shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed stage at least six feet from all patrons and at least eighteen inches from the floor in a room of at least six hundred square feet. 5. No employee, who appears in a semi-nude condition in a sexually oriented business, shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business. 6. A sexually oriented business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements: (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose; (2) An operator's station shall not exceed thirty-two square feet of floor area; (3) If the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations; (4) The view required under this subsection shall be by direct line of sight from the operator's station; (5) It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and (6) It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises. 7. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of sections 573.525 to 573.537 shall be given one hundred eighty days after August 28, 2010, to comply with the stage and building requirements of sections 573.525 to 573.537. During such one hundred eighty-day period, any employee who appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at least six feet from all patrons. 8. No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 12:00 midnight and 6:00 a.m. on any day. 9. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business. 10. No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business. 11. As used in this section, the following terms mean: (1)"Establish"or"establishment", includes any of the following: (a) The opening or commencement of any sexually oriented business as a new business; (b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or (c) The addition of any sexually oriented business to any other existing sexually oriented business; (2)"Influential interest", includes any of the following: (a) The actual power to operate a sexually oriented business or control the operation, management, or policies of a sexually oriented business or legal entity which operates a sexually oriented business; (b) Ownership of a financial interest of thirty percent or more of a business or of any class of voting securities of a business; or (c) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity which operates a sexually oriented business; (3)"Viewing room", the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction. ---------- (L. 2010 S.B. 586 & 617, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.534 - Strict liability not imposed — mental state required for violation — act by employee not imputed to the business, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.534. Strict liability not imposed — mental state required for violation — act by employee not imputed to the business, when. —Sections 573.525 to 573.537 do not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of sections 573.525 to 573.537. Notwithstanding any other provision of law to the contrary, for purposes of sections 573.525 to 573.537, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of sections 573.525 to 573.537 only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act. ---------- (L. 2010 S.B. 586 & 617)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.537 - Violations, penalty — public nuisance for repeated violations — state remedies permitted.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.537. Violations, penalty — public nuisance for repeated violations — state remedies permitted. —1. Any person, business, or entity violating or refusing to comply with any provision of sections 573.525 to 573.537 shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imposition of a fine not to exceed five hundred dollars or by imprisonment for a period not to exceed ninety days, or both. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. 2. Any premises, building, dwelling, or other structure in which a sexually oriented business is repeatedly operated or maintained in violation of sections 573.525 to 573.537 shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by the state in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation. 3. Notwithstanding the provisions of this section, the state may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of sections 573.525 to 573.537. ---------- (L. 2010 S.B. 586 & 617)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.540 - No state preemption on regulation — consistency with state law required for local law.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.540. No state preemption on regulation — consistency with state law required for local law. —1. Nothing in sections 573.525 to 573.537 shall be construed as preempting or preventing any political subdivision of this state from maintaining, enacting, or enforcing any local ordinance, rule, regulation, resolution, or similar law concerning the regulation of sexually oriented businesses or similar adult oriented businesses which is stricter than but not inconsistent with the provisions of sections 573.525 to 573.537. 2. Political subdivisions of this state are specifically authorized to maintain, enact, and enforce local ordinances, rules, regulations, resolutions, or other similar laws concerning the regulation of sexually oriented businesses or similar adult-oriented businesses which are the same as or stricter than but not inconsistent with the provisions of sections 573.525 to 573.537. ---------- (L. 2010 S.B. 586 & 617)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 573 - Pornography and Related OffensesSection 573.550 - Providing explicit sexual material to a student, offense of — penalty — definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 573 573.550. Providing explicit sexual material to a student, offense of — penalty — definitions. —1. A person commits the offense of providing explicit sexual material to a student if such person is affiliated with a public or private elementary or secondary school in an official capacity and, knowing of its content and character, such person provides, assigns, supplies, distributes, loans, or coerces acceptance of or the approval of the providing of explicit sexual material to a student or possesses with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance of or the approval of the providing of explicit sexual material to a student. 2. The offense of providing explicit sexual material to a student is a class A misdemeanor. 3. As used in this section, the following terms shall mean: (1)"Explicit sexual material", any pictorial, three-dimensional, or visual depiction, including any photography, film, video, picture, or computer-generated image, showing human masturbation, deviate sexual intercourse as defined in section 566.010, sexual intercourse, direct physical stimulation of genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art, when taken as a whole, that have serious artistic significance, or works of anthropological significance, or materials used in science courses, including but not limited to materials used in biology, anatomy, physiology, and sexual education classes shall not be deemed to be within the foregoing definition; (2)"Person affiliated with a public or private elementary or secondary school in an official capacity", an administrator, teacher, librarian, media center

personnel, substitute teacher, teacher's assistant, student teacher, law enforcement officer, school board member, school bus driver, guidance counselor, coach, guest lecturer, guest speaker, or other nonschool employee who is invited to present information to students by a teacher, administrator, or other school employee. Such term shall not include a student enrolled in the elementary or secondary school. ---------- (L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.005 - Definitions

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.005. Definitions —As used in this chapter the following terms mean: (1)"Private property", any place which at the time of the offense is not open to the public. It includes property which is owned publicly or privately; (2)"Property of another", any property in which the person does not have a possessory interest; (3)"Public place", any place which at the time of the offense is open to the public. It includes property which is owned publicly or privately. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.010 - Peace disturbance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.010. Peace disturbance — penalty. —1. A person commits the offense of peace disturbance if he or she: (1) Unreasonably and knowingly disturbs or alarms another person or persons by: (a) Loud noise; or (b) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or (c) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or (d) Fighting; or (e) Creating a noxious and offensive odor; (2) Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing: (a) Vehicular or pedestrian traffic; or (b) The free ingress or egress to or from a public or private place. 2. The offense of peace disturbance is a class B misdemeanor upon the first conviction. Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand dollars and no more than five thousand dollars. ---------- (L. 1977 S.B. 60, A.L. 1984 S.B. 602, A.L. 1993 S.B. 180, A.L. 2014 S.B. 491) Effective 1-01-17 (1987) Where paragraph (c) of subdivision (1) of subsection l of statute contemplates punishing a person for any and all utterances that if carried out would constitute criminal offenses under Missouri law, no distinction is made as to the degree of criminal activity, that portion of statute is overbroad and is facially invalid. State v. Carpenter, 736 S.W.2d 406 (Mo. en banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.020 - Private peace disturbance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.020. Private peace disturbance — penalty. —1. A person commits the offense of private peace disturbance if he or she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by: (1) Threatening to commit an offense against any person; or (2) Fighting. 2. The offense of private peace disturbance is a class C misdemeanor. 3. For purposes of this section, if a building or structure is divided into separately occupied units, such units are separate premises. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.035 - Disrupting a house of worship — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.035. Disrupting a house of worship — penalty. —1. This section shall be known and may be cited as the "House of Worship Protection Act". 2. For purposes of this section,"house of worship"means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose. 3. A person commits the offense of disrupting a house of worship if such person: (1) Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or (2) Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction. 4. The offense of disrupting a house of worship is a class B misdemeanor, unless it is a second offense, in which case it is a class A misdemeanor. Any third or subsequent offense of disrupting a house of worship is a class E felony. ---------- (L. 2012 S.B. 755, A.L. 2014 S.B. 491) Effective 1-01-17 (2013) Section making it a crime to intentionally and unreasonably disrupt a house of worship does not violate the First Amendment and is not unconstitutionally vague or overbroad. Survivors Network of Those Abused by Priests, Inc. v. Joyce, 941 F.Supp.2d 1078 (E.D.Mo.). (2015) Prohibition on profane discourse and rude or indecent behavior in disrupting a worship service is content based; the statute is not narrowly tailored to serve compelling state interests and thus violates the First Amendment. Survivors Network of Those Abused by Priests v. Joyce, 779 F.3d 785 (8th Cir.).

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.040 - Unlawful assembly — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.040. Unlawful assembly — penalty. —1. A person commits the offense of unlawful assembly if he or she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence. 2. The offense of unlawful assembly is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.050 - Rioting — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.050. Rioting — penalty. —1. A person commits the offense of rioting if he or she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence. 2. The offense of rioting is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.060 - Refusal to disperse — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.060. Refusal to disperse — penalty. —1. A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he or she knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot. 2. The offense of refusal to disperse is a class C misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.070 - Promoting civil disorder in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.070. Promoting civil disorder in the first degree — penalty. —1. As used in this section, the following terms mean: (1)"Civil disorder", any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual; (2)"Explosive or incendiary device", includes: (a) Dynamite and all other forms of high explosives; (b) Any explosive bomb, grenade, missile, or similar device; and (c) Any incendiary bomb or grenade, fire bomb, or similar device, including any device which consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and can be carried or thrown by one individual acting alone; (3)"Firearm", any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon; (4)"Law enforcement officer", any officer or employee of the United States, any state, any political subdivision of a state, or the District of Columbia. The term "law enforcement officer" shall specifically include, but shall not be limited to, members of the National Guard, as defined in Section 101(9) of Title 10, United States Code, and members of the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by Section 101(9) of Title 10, United States Code, and members of the Armed Forces of the United States. 2. A person commits the offense of promoting civil disorder if he or she teaches or demonstrates to any other person the use, application, or construction of any firearm, explosive, or incendiary device capable of causing injury or death to any person, knowing or intending that such firearm, explosive, or incendiary device be used in furtherance of a civil disorder. 3. The offense of promoting civil disorder is a class D felony. 4. Nothing contained in this section shall be construed to prohibit the training or teaching of the use of weapons for law enforcement purposes, hunting, recreation, competition, or other lawful uses and activities. ---------- (L. 1983 S.B. 72 § 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.075 - Drunkenness or drinking in certain places prohibited — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.075. Drunkenness or drinking in certain places prohibited — penalty. —1. A person commits the offense of drunkenness or drinking in a prohibited place if he or she enters any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or any courthouse, in an intoxicated and disorderly condition, or drinks or offers to drink any intoxicating liquors in the presence of such assembly of people, or in any courthouse. 2. The offense of drunkenness or drinking in a prohibited place is a class B misdemeanor. ---------- (RSMo 1939 § 4638, A.L. 1961 p. 334, A.L. 1977 H.B. 341, A.L. 1978 S.B. 749 § 562.260, A.L. 2001 S.B. 267, A.L. 2014 S.B. 491) Prior revisions: 1929 § 4249; 1919 § 3499 Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.080 - Causing catastrophe — definitions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.080. Causing catastrophe — definitions — penalty. —1. A person commits the offense of causing catastrophe if he or she knowingly causes a catastrophe by explosion, fire, flood, collapse of a building, release of poison, radioactive material, bacteria, virus or other dangerous and difficult to confine force or substance. 2. As used in this section, the following terms mean: (1)"Catastrophe", death or serious physical injury to ten or more people or substantial damage to five or more buildings or inhabitable structures or substantial damage to a vital public facility which seriously impairs its usefulness or operation; (2)"Vital public facility", includes a facility maintained for use as a bridge, whether over land or water, dam, reservoir, tunnel, communication installation or power station. 3. The offense of causing catastrophe is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Transferred 2014; formerly 569.070; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.085 - Institutional vandalism, offense of — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.085. Institutional vandalism, offense of — violation, penalty. —1. A person commits the offense of institutional vandalism if he or she knowingly vandalizes, defaces, or otherwise damages: (1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose; (2) Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead; (3) Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group; (4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; (5) Any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; (6) Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children; or (7) Any public monument or structure on public property owned or operated by a public entity. 2. The offense of institutional vandalism is a class A misdemeanor, unless the value of the property damage is seven hundred fifty dollars or more, in which case the offense is a class E felony; or the value of the property damage is more than five thousand dollars, in which case the offense is a class D felony. 3. In determining the amount of damage to property, for purposes of this section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged. ---------- (L. 1988 S.B. 678 § 1, A.L. 1996 H.B. 1086 merged with H.B. 1301 & 1298, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26) CROSS REFERENCE: Civil action for damages or injunction, attorney's fees and costs may be awarded prevailing plaintiff, 537.523

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.105 - Money laundering — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.105. Money laundering — penalty. —1. As used in this section, the following terms shall mean: (1)"Conducts", initiating, concluding or participating in initiating or concluding a transaction; (2)"Criminal activity", any act or activity constituting an offense punishable as a felony pursuant to the laws of Missouri or the United States; (3)"Cryptocurrency", a digital currency in which transactions are verified and records are maintained by a decentralized system using cryptography; (4)"Financial transaction", a transaction: (a) Involving: a. The movement of funds by wire or other means, including blockchain; b. One or more monetary instruments; or c. The transfer of title to any real property, vehicle, vessel, or aircraft; or (b) Involving the use of a financial institution as defined under 31 U.S.C. Section 5312, as amended; (5)"Monetary instruments": (a) Currency and coin of the United States or of any other country, cryptocurrency, travelers' checks, personal checks, bank checks, bank wires, or money orders; or (b) Investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery; (6)"Person", natural persons, partnerships, trusts, estates, associations, corporations and all entities cognizable as legal personalities; (7)"Transaction", a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit; withdrawal; transfer between accounts; exchange of currency; loan; extension of credit; purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument; use of a safe deposit box; or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected. 2. A person commits the offense of money laundering if he or she: (1) Conducts or attempts to conduct a financial transaction with the purpose to promote or aid the carrying on of criminal activity; or (2) Conducts or attempts to conduct a financial transaction with the purpose to conceal or disguise in whole or in part the nature, location, source, ownership or control of the proceeds of criminal activity; or (3) Conducts or attempts to conduct a financial transaction with the purpose to avoid financial transaction reporting requirements under federal law; or (4) Conducts or attempts to conduct a financial transaction with the purpose to promote or aid the carrying on of criminal activity for the purpose of furthering or making a terrorist threat or act. 3. The offense of money laundering is a class B felony and in addition to penalties otherwise provided by law, a fine of not more than five hundred thousand dollars or twice the amount involved in the transaction, whichever is greater, may be assessed. ---------- (L. 1992 S.B. 705 § 10, A.L. 2002 S.B. 712, A.L. 2014 S.B. 491, A.L. 2022 H.B. 1472)

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.110 - Using a laser pointer, offense of — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.110. Using a laser pointer, offense of — violation, penalty. —1. A person commits the offense of using a laser pointer if such person knowingly directs a light from a laser pointer at a uniformed safety officer, including a peace officer as defined under section 590.010, security guard, firefighter, emergency medical worker, or other uniformed municipal, state, or federal officer. 2. As used in this section,"laser pointer"means a device that emits a visible light amplified by the stimulated emission of radiation. 3. The offense of using a laser pointer is a class A misdemeanor. ---------- (L. 2021 S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.115 - Making a terrorist threat, first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.115. Making a terrorist threat, first degree — penalty. —1. A person commits the offense of making a terrorist threat in the first degree if such person, with the purpose of frightening ten or more people or causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation, knowingly: (1) Communicates an express or implied threat to cause an incident or condition involving danger to life; or (2) Communicates a false report of an incident or condition involving danger to life; or (3) Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life. 2. The offense of making a terrorist threat in the first degree is a class D felony. 3. No offense is committed under this section by a person acting in good faith with the purpose to prevent harm. ---------- (L. 2000 S.B. 944 § 574.150, A.L. 2002 S.B. 712, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.120 - Making a terrorist threat, second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.120. Making a terrorist threat, second degree — penalty. —1. A person commits the offense of making a terrorist threat in the second degree if he or she recklessly disregards the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation and knowingly: (1) Communicates an express or implied threat to cause an incident or condition involving danger to life; or (2) Communicates a false report of an incident or condition involving danger to life; or (3) Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life. 2. The offense of making a terrorist threat in the second degree is a class E felony. 3. No offense is committed under this section by a person acting in good faith with the purpose to prevent harm. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.125 - Making a terrorist threat, third degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.125. Making a terrorist threat, third degree — penalty. —1. A person commits the offense of making a terrorist threat in the third degree if he or she, with criminal negligence with regard to the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation, knowingly: (1) Communicates an express or implied threat to cause an incident or condition involving danger to life; or (2) Communicates a knowingly false report of an incident or condition involving danger to life; or (3) Causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life. 2. The offense of making a terrorist threat in the third degree is a class A misdemeanor. 3. No offense is committed under this section by a person acting in good faith with the purpose to prevent harm. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.130 - Agroterrorism — penalty — defenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.130. Agroterrorism — penalty — defenses. —1. A person commits the offense of agroterrorism if such person purposely spreads any type of contagious, communicable or infectious disease among crops, poultry, livestock as defined in section 267.565, or other animals. 2. Agroterrorism is a class E felony unless the damage to crops, poultry, livestock or animals is ten million dollars or more in which case it is a class B felony. 3. It shall be a defense to the crime of agroterrorism if such spreading is consistent with medically recognized therapeutic procedures or done in the course of legitimate, professional scientific research. ---------- (L. 2001 S.B. 462, A.L. 2002 S.B. 712, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.008; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.140 - Cross burning — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.140. Cross

burning — penalties. —1. A person commits the offense of cross burning if he or she burns, or causes to be burned, a cross with the purpose to frighten, intimidate, or cause emotional distress to any person or group of persons. 2. The offense of cross burning is a class A misdemeanor, unless the person has previously been found guilty of an offense under this section, in which case it is a class E felony. ---------- (L. 2004 H.B. 1074 & 1129, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.095; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.160 - Unlawful funeral protest, offense of — definitions — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.160. Unlawful funeral protest, offense of — definitions — violation, penalty. —1. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one hour before or one hour after the conducting of any actual funeral or burial service at that place. 2. For purposes of this section,"other protest activities"means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service. 3. For purposes of this section,"funeral"and"burial service"mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this section does not apply to processions while they are in transit beyond any three-hundred-foot zone that is established under subsection 1 of this section. 4. The offense of unlawful funeral protest is a class B misdemeanor, unless committed by a person who has previously been found guilty of a violation of this section, in which case it is a class A misdemeanor. ---------- (L. 2014 H.B. 1231 merged with H.B. 1372)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.200 - Interference with medical assistance, offense of, penalty — definition of medical personnel.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.200. Interference with medical assistance, offense of, penalty — definition of medical personnel. —1. A person commits the offense of interference with medical assistance if he or she, while serving in his or her capacity as an employee of an abortion facility: (1) Knowingly orders or requests medical personnel to deviate from any applicable standard of care or ordinary practice while providing medical assistance to a patient for reasons unrelated to the patient's health or welfare; or (2) Knowingly attempts to prevent medical personnel from providing medical assistance to a patient in accordance with all applicable standards of care or ordinary practice for reasons unrelated to the patient's health or welfare. 2. The offense of interference with medical assistance is a class A misdemeanor. 3. For purposes of this section, the term"medical personnel"shall include, but not be limited to, the following: (1) Physicians and surgeons licensed under chapter 334; (2) Nurses licensed under chapter 335; (3) Emergency medical services personnel as defined in section 190.600; or (4) Any person operating under the supervision of such medical personnel. ---------- (L. 2017 2d Ex. Sess. S.B. 5) Effective 10-24-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.203 - Interference with a health care facility, offense of — workplace violence, hospital duties — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.203. Interference with a health care facility, offense of — workplace violence, hospital duties — violation, penalty. —1. Except as otherwise protected by state or federal law, a person, excluding individuals seeking mental health, psychiatric, or psychological care or any person who is developmentally disabled as defined in section 630.005, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by: (1) Causing a peace disturbance while inside a health care facility; (2) Refusing an order to vacate a health care facility when requested to by any employee of the health care facility; or (3) Threatening to inflict injury on the patients or employees, or damage to the property of a health care facility. 2. Hospital policies shall address incidents of workplace violence against employees, including protecting an employee from retaliation when such employee complies with hospital policies in seeking assistance or intervention from local emergency services or law enforcement when a violent incident occurs. 3. The offense of interference with a health care facility is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense. 4. As used in this section,"health care facility"means a hospital that provides health care services directly to patients. ---------- (L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 574 - Offenses Against Public OrderSection 574.204 - Interference with an ambulance service, offense of — violation, penalty — definition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 574 574.204. Interference with an ambulance service, offense of — violation, penalty — definition. —1. Except as otherwise protected by state or federal law, a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully or recklessly disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance. 2. The offense of interference

with an ambulance service is a class D misdemeanor for a first offense and a class C misdemeanor for any second or subsequent offense. 3. As used in this section,"ambulance service"means a person or entity that provides emergency or nonemergency ambulance transportation and services, or both. ---------- (L. 2021 S.B. 26)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.010 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.010. Definitions. —The following definitions shall apply to this chapter and chapter 576: (1)"Affidavit"means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths; (2)"Government"means any branch or agency of the government of this state or of any political subdivision thereof; (3)"Highway"means any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality; (4)"Judicial proceeding"means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court; (5)"Juror"means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror; (6)"Jury"means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors; (7)"Law enforcement animal"means a dog, horse, or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals; (8)"Official proceeding"means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation; (9)"Public record"means any document which a public servant is required by law to keep; (10)"Testimony"means any oral statement under oath or affirmation; (11)"Victim"means any natural person against whom any crime is deemed to have been perpetrated or attempted; (12)"Witness"means any natural person: (a) Having knowledge of the existence or nonexistence of facts relating to any crime; or (b) Whose declaration under oath is received as evidence for any purpose; or (c) Who has reported any crime to any peace officer or prosecutor; or (d) Who has been served with a subpoena issued under the authority of any court of this state. ---------- (L. 1977 S.B. 60, A.L. 1983 S.B. 24, A.L. 1999 H.B. 248, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.020 - Concealing an offense — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.020. Concealing an offense — penalties. —1. A person commits the offense of concealing an offense if he or she: (1) Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or (2) Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his or her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof. 2. The offense of concealing an offense is a class A misdemeanor, unless the offense concealed a felony, in which case concealing an offense is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.030 - Hindering prosecution — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.030. Hindering prosecution — penalties. —1. A person commits the offense of hindering prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she: (1) Harbors or conceals such person; or (2) Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or (3) Provides such person with money, transportation, weapon, disguise or other means to aid him in avoiding discovery or apprehension; or (4) Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person. 2. The offense of hindering prosecution is a class A misdemeanor, unless the conduct of the other person constitutes a felony, in which case it is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.040 - Perjury — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.040. Perjury — penalties. —1. A person commits the offense of perjury if, with the purpose to deceive, he or she knowingly testifies falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, public body, notary public or other officer authorized to administer oaths. 2. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter or proceeding. 3. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that: (1) The person mistakenly believed the fact to be immaterial; or (2) The person was not competent, for reasons other than mental disability or immaturity, to make the

statement. 4. It is a defense to a prosecution under subsection 1 of this section that the person retracted the false statement in the course of the official proceeding in which it was made provided he or she did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding, including but not limited to statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial, are made in the course of the same proceeding. 5. The defendant shall have the burden of injecting the issue of retraction under subsection 4 of this section. 6. The offense of perjury committed in any proceeding not involving a felony charge is a class E felony. 7. The offense of perjury committed in any proceeding involving a felony charge is a class D felony unless: (1) It is committed during a criminal trial for the purpose of securing the conviction of an accused for any felony except murder, in which case it is a class B felony; or (2) It is committed during a criminal trial for the purpose of securing the conviction of an accused for murder, in which case it is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.050 - False affidavit — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.050. False affidavit — penalties. —1. A person commits the offense of making a false affidavit if, with purpose to mislead any person, he or she, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made. 2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section. 3. It is a defense to a prosecution under subsection 1 of this section that the person retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after: (1) The falsity of the statement was exposed; or (2) Any person took substantial action in reliance on the statement. 4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section. 5. The offense of making a false affidavit is a class C misdemeanor, unless done for the purpose of misleading a public servant in the performance of his or her duty, in which case it is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.060 - False declarations — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.060. False declarations — penalty. —1. A person commits the offense of making a false declaration if, with the purpose to mislead a public servant in the performance of his or her duty, such person: (1) Submits any written false statement, which he or she does not believe to be true: (a) In an application for any pecuniary benefit or other consideration; or (b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or (2) Submits or invites reliance on: (a) Any writing which he or she knows to be forged, altered or otherwise lacking in authenticity; or (b) Any sample, specimen, map, boundary mark, or other object which he or she knows to be false. 2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section. 3. It is a defense to a prosecution under subsection 1 of this section that the person retracted the false statement or item but this defense shall not apply if the retraction was made after: (1) The falsity of the statement or item was exposed; or (2) The public servant took substantial action in reliance on the statement or item. 4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section. 5. For the purpose of this section,"written"shall include filings submitted in an electronic or other format or medium approved or prescribed by the secretary of state. 6. The offense of making a false declaration is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2002 S.B. 895, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.070 - Proof of falsity of statements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.070. Proof of falsity of statements. —No person shall be convicted of a violation of section*575.040, 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity of the statement by: (1) The direct evidence of two witnesses; or (2) The direct evidence of one witness together with strongly corroborating circumstances; or (3) Demonstrative evidence which conclusively proves the falsity of the statement; or (4) A directly contradictory statement by the defendant under oath together with: (a) The direct evidence of one witness; or (b) Strongly corroborating circumstances; or (5) A judicial admission by the defendant that he or she made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he or she made the statement knowing it was false may constitute strongly corroborating circumstances. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17 *Word "sections" appears in original rolls.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.080 - False reports — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.080. False reports — penalty. —1. A person commits the offense of making a false report if he or she knowingly: (1) Gives false information to

any person for the purpose of implicating another person in an offense; or (2) Makes a false report to a law enforcement officer that an offense has occurred or is about to occur; or (3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur. 2. It is a defense to a prosecution under subsection 1 of this section that the person retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon. 3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section. 4. The offense of making a false report is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2002 S.B. 712, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.090 - False bomb report — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.090. False bomb report — penalty. —1. A person commits the offense of making a false bomb report if he or she knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle. 2. Making a false bomb report is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 1996 H.B. 1301 & 1298, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.095 - Tampering with a judicial officer — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.095. Tampering with a judicial officer — penalty. —1. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person: (1) Threatens or causes harm to such judicial officer or members of such judicial officer's family; (2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family; (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family; (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227; (5) Disseminates through any means, including by posting on the internet, the judicial officer's or the judicial officer's family's personal information. For purposes of this section,"personal information"includes a home address, home or mobile telephone number, personal email address, Social Security number, federal tax identification number, checking or savings account number, marital status, and identity of a child under eighteen years of age. 2. A judicial officer for purposes of this section shall be a judge or commissioner of a state or federal court, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee. 3. A judicial officer's family for purposes of this section shall be: (1) Such officer's spouse; or (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption; or (3) Such officer's stepchild, while the marriage creating that relationship exists. 4. The offense of tampering with a judicial officer is a class D felony. 5. If a violation of this section results in death or bodily injury to a judicial officer or a member of the judicial officer's family, the offense is a class B felony. ---------- (L. 1989 S.B. 215 & 58, A.L. 1995 H.B. 424, A.L. 1997 S.B. 367, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2023 S.B. 186) Transferred 2014; formerly 565.084; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.100 - Tampering with physical evidence — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.100. Tampering with physical evidence — penalties. —1. A person commits the offense of tampering with physical evidence if he or she: (1) Alters, destroys, suppresses or conceals any record, document or thing with purpose to impair its verity, legibility or availability in any official proceeding or investigation; or (2) Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation. 2. The offense of tampering with physical evidence is a class A misdemeanor, unless the person impairs or obstructs the prosecution or defense of a felony, in which case tampering with physical evidence is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.110 - Tampering with a public record — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.110. Tampering with a public record — penalty. —1. A person commits the offense of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record, he or she: (1) Knowingly makes a false entry in or falsely alters any public record; or (2) Knowing he or she lacks authority to do so, destroys, suppresses or conceals any public record. 2. The offense of tampering with a public record is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.120 - False impersonation — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.120. False impersonation — penalties. —1. A person commits the offense of false impersonation if such person: (1) Falsely represents himself or herself to be a public servant with the purpose to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official acts; and (a) Performs an act in that pretended capacity; or (b) Causes another to act in reliance upon his or her pretended official authority; (2) Falsely represents himself or herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation; and (a) Performs an act in that pretended capacity; or (b) Causes another to act in reliance upon such representation; or (3) Upon being arrested, falsely represents himself or herself, to a law enforcement officer, with the first and last name, date of birth, or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth, and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted. 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney, bringing any action on the underlying charge, shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records. 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney of the county in which the conviction occurred shall file a motion in the underlying case with the court to correct the arrest and court records after discovery of the fraud upon the court. The court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records. 4. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in section 610.123. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records. 5. The offense of false impersonation is a class B misdemeanor unless the person represents himself or herself to be a law enforcement officer in which case it is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2004 H.B. 916, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.130 - Simulating legal process — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.130. Simulating legal process — penalty. —1. A person commits the offense of simulating legal process if, with purpose to mislead the recipient and cause him or her to take action in reliance thereon, he or she delivers or causes to be delivered: (1) A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this state; or (2) Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court. 2. This section shall not apply to a subpoena properly issued by a notary public. 3. The offense of simulating legal process is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 1996 S.B. 869, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.133 - Filing a nonconsensual common law lien — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.133. Filing a nonconsensual common law lien — penalty. —1. A person commits the offense of filing a nonconsensual common law lien if he or she files a document that purports to assert a lien against the assets, real or personal, of any person and that, regardless of any self-description: (1) Is not expressly provided for by a specific state or federal statute; (2) Does not depend upon the consent of the owner of the property affected or the existence of a contract for its existence; and (3) Is not an equitable or constructive lien imposed by a state or federal court of competent jurisdiction. 2. This section shall not apply to a filing officer as defined in section 428.105 that is acting in the scope of his or her employment. 3. The offense of filing a nonconsensual common law lien is a class B misdemeanor. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.145 - Signal or direction of law enforcement or firefighter, duty to stop, motor vehicle operators and riders of animals — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.145. Signal or

direction of law enforcement or firefighter, duty to stop, motor vehicle operators and riders of animals — violation, penalty. —1. It shall be the duty of the operator or driver of any vehicle or any other conveyance regardless of means of propulsion, or the rider of any animal traveling on the highways of this state to stop on signal of any law enforcement officer or firefighter and to obey any other reasonable signal or direction of such law enforcement officer or firefighter given in directing the movement of traffic on the highways or enforcing any offense or infraction. 2. The offense of willfully failing or refusing to obey such signals or directions or willfully resisting or opposing a law enforcement officer or a firefighter in the proper discharge of his or her duties is a class A misdemeanor. ---------- (L. 2002 H.B. 1270 and H.B. 2032, A.L. 2014 S.B. 491, A.L. 2016 S.B. 732) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.150 - Resisting or interfering with arrest — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.150. Resisting or interfering with arrest — penalties. —1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she: (1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or (2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference. 2. This section applies to: (1) Arrests, stops, or detentions, with or without warrants; (2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and (3) Arrests for warrants issued by a court or a probation and parole officer. 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her. 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest. 5. The offense of resisting or interfering with an arrest is a class E felony for an arrest for a: (1) Felony; (2) Warrant issued for failure to appear on a felony case; or (3) Warrant issued for a probation violation on a felony case.--The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony. --The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 1996 H.B. 1047, A.L. 2002 H.B. 1270 and H.B. 2032, A.L. 2005 H.B. 353, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17 (1992) Offense of resisting arrest is the resistance by the defendant and the number of offenses for resisting arrest is not dependent upon how many officers were attempting to arrest defendant. Double jeopardy bars multiple convictions for the same offense where the conduct is continuous. State v. Good, 851 S.W.2d 1 (Mo. App. S.D.). (1993) Statute requires for the crime of resisting arrest: first that a person knows that a law enforcement officer is making an arrest, and second that the person resists the arrest by fleeing for the purpose of preventing the officer from effecting the arrest. Where there was no evidence that officer was making an arrest nor was there any evidence that defendant knew that the officer was making an arrest, there was no evidence to sustain a conviction for resisting arrest. State v. Dossett, 851 S.W.2d 750 (Mo. App. W.D.). (2019) Section making it a felony to resist an arrest for a felony does not require evidence of the arresting officer's subjective state of mind. State v. Shaw, 592 S.W.3d 354 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.151 - Valentine's Law — aggravated fleeing a stop or detention of a motor vehicle, offense of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.151. Valentine's Law — aggravated fleeing a stop or detention of a motor vehicle, offense of — penalty. —1. This section shall be known and may be cited as "Valentine's Law". 2. A person commits the offense of aggravated fleeing a stop or detention of a motor vehicle if he or she knows or reasonably should know that a law enforcement officer is attempting to detain or stop a motor vehicle, and for the purpose of preventing the officer from effecting the stop or detention, he or she flees and: (1) Such person operates a motor vehicle at a high speed or in any manner which creates a substantial risk of serious physical injury or death to any person; (2) As a result of such flight causes physical injury to another person; or (3) As a result of such flight causes death to another person. 3. A person is presumed to be fleeing a vehicle stop or detention if he or she continues to operate a motor vehicle after he or she has seen or reasonably should have seen clearly visible emergency lights or has heard or reasonably should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her. 4. It is no defense to a prosecution pursuant to subsection 2 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest. A person need not know the basis for the arrest, detention, or stop, only that the person was being stopped or detained. 5. The offense of aggravated fleeing a stop or detention in violation of subdivision (1) of subsection 2 of this section shall be a class D felony, without eligibility for probation, parole, or conditional release until the defendant has served no less than one year of such sentence. The offense of aggravated fleeing a stop or detention in violation of subdivision (2) of subsection 2 of this section shall be a class B felony. The offense of aggravated fleeing a stop or detention in violation of subdivision (3) of subsection 2 of this section shall be a class A felony. ---------- (L. 2024 S.B. 754, et al.)

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.153 - Disarming a peace officer or correctional officer — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.153. Disarming a peace officer or correctional officer — penalty. —1. A person commits the offense of disarming a peace officer, as defined in section 590.010, or a correctional officer if he or she intentionally: (1) Removes a firearm, deadly weapon, or less-lethal weapon, to include and including any blunt impact, chemical or conducted energy devices, used in the performance of his or her official duties from the person of a peace officer or correctional officer while such officer is acting within the scope of his or her official duties; or (2) Deprives a peace officer or correctional officer of such officer's use of a firearm, deadly weapon, or any other equipment described in subdivision (1) of this subsection while the officer is acting within the scope of his or her official duties. 2. The provisions of this section shall not apply when: (1) The person does not know or could not reasonably have known that the person he or she disarmed was a peace officer or correctional officer; or (2) The peace officer or correctional officer was engaged in an incident involving felonious conduct by the peace officer or correctional officer at the time the person disarmed such officer. 3. The offense of disarming a peace officer or correctional officer is a class D felony. ---------- (L. 2009 H.B. 62, A.L. 2014 H.B. 1231 merged with S.B. 491 merged with S.B. 656) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.155 - Endangering a corrections employee, offense of — definitions — violation, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.155. Endangering a corrections employee, offense of — definitions — violation, penalties. —1. An offender or prisoner commits the offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner if he or she attempts to cause or knowingly causes such person to come into contact with blood, seminal fluid, urine, feces, or saliva. 2. For the purposes of this section, the following terms mean: (1)"Corrections employee", a person who is an employee, or contracted employee of a subcontractor, of a department or agency responsible for operating a jail, prison, correctional facility, or sexual offender treatment center or a person who is assigned to work in a jail, prison, correctional facility, or sexual offender treatment center; (2)"Offender", a person in the custody of the department of corrections; (3)"Prisoner", a person confined in a county or city jail; (4)"Serious infectious or communicable disease", the same meaning given to the term in section 191.677. 3. The offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner is a class E felony unless the substance is unidentified in which case it is a class A misdemeanor. If an offender or prisoner is knowingly infected with a serious infectious or communicable disease and exposes another person to such serious infectious or communicable disease by committing the offense of endangering a corrections employee, a visitor to a correctional center, county or city jail, or another offender or prisoner and the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the serious infectious or communicable disease, it is a class D felony. ---------- (L. 2005 H.B. 700, A.L. 2014 S.B. 491, A.L. 2021 S.B. 53 & 60) Transferred 2014; formerly 565.085; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.157 - Endangering a mental health employee, visitor, or another offender, offense of — definitions — violation, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.157. Endangering a mental health employee, visitor, or another offender, offense of — definitions — violation, penalties. —1. An offender commits the offense of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender if he or she attempts to cause or knowingly causes such individual to come into contact with blood, seminal fluid, urine, feces, or saliva. 2. For purposes of this section, the following terms mean: (1)"Department of mental health employee", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity responsible for confining offenders as authorized by section 632.495; (2)"Offender", persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator, persons ordered to the department of mental health after a finding of probable cause under section 632.489, and persons committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513; (3)"Secure facility", a facility operated by the department of mental health or an entity responsible for confining offenders as authorized by section 632.495; (4)"Serious infectious or communicable disease", the same meaning given to the term in section 191.677. 3. The offense of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender is a class E felony. If an offender is knowingly infected with a serious infectious or communicable disease and exposes another individual to such serious infectious or communicable disease by committing the offense of endangering a department of mental health employee, a visitor or other person at a mental health facility, or another offender and the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the serious infectious or communicable disease, the offense is a class D felony. ---------- (L. 2010 S.B. 774, A.L. 2014 S.B. 491, A.L. 2021 S.B. 53 & 60) Transferred 2014; formerly 565.086; Effective 1-01-17

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.159 - Aiding a sexual offender — applicability of section — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.159. Aiding a sexual offender — applicability of section — penalty. —1. A person commits the offense of aiding a sexual offender if he or she knows that another person is a convicted sexual offender who is required to register as a sexual offender and has reason to believe that such sexual offender is not complying, or has not complied with the requirements of sections 589.400 to 589.425, and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the offender about, or to arrest the offender for, his or her noncompliance with the requirements of sections 589.400 to 589.425: (1) Withholds information from or does not notify the law enforcement agency about the sexual offender's noncompliance with the requirements of sections 589.400 to 589.425, and, if known, the whereabouts of the sexual offender; (2) Harbors or attempts to harbor or assists another person in harboring or attempting to harbor the sexual offender; (3) Conceals or attempts to conceal or assists another person in concealing or attempting to conceal the sexual offender; or (4) Provides information to the law enforcement agency regarding the sexual offender which he or she knows to be false information. 2. The provisions of this section do not apply if the sexual offender is incarcerated in, or is in the custody of, a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility. 3. The offense of aiding a sexual offender is a class E felony. ---------- (L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.160 - Interference with legal process — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.160. Interference with legal process — penalty. —1. A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process. 2."Process"includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court. 3. The offense of interference with legal process is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.170 - Refusing to make an employee available for service of process — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.170. Refusing to make an employee available for service of process — penalty. —1. An employer, or agent who is in charge of a business establishment, commits the offense of refusing to make an employee available for service of process if he or she knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process. 2. The offense of refusing to make an employee available for service of process is a class C misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.180 - Failure to execute an arrest warrant, offense of — violation, penalties — affirmative defense.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.180. Failure to execute an arrest warrant, offense of — violation, penalties — affirmative defense. —1. A law enforcement officer commits the offense of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he or she fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he or she is authorized and required by law to execute. 2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony. 3. It shall be an affirmative defense to prosecution under this section that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense under chapter 301, 302, 304, or 307 or a misdemeanor traffic offense in another state. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2021 S.B. 53 & 60) (1989) Marshal of the court of appeals is a law enforcement officer within the meaning of this section. (Mo. banc) State v. Wahby, 775 S.W.2d 147.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.190 - Refusal to identify as a witness — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.190. Refusal

to identify as a witness — penalty. —1. A person commits the offense of refusal to identify as a witness if, knowing he or she has witnessed any portion of an offense, or of any other incident resulting in physical injury or substantial property damage, he or she refuses to report or gives a false report of his or her name and present address to a law enforcement officer engaged in the performance of his or her duties. 2. The offense of refusal to identify as a witness is a class C misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.195 - Escape from commitment, detention, or conditional release — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.195. Escape from commitment, detention, or conditional release — penalty. —1. A person commits the offense of escape from commitment, detention, or conditional release if he or she has been committed to a state mental hospital under the provisions of chapter 552 or sections 632.480 to 632.513, or has been ordered to be taken into custody, detained, or held pursuant to sections 632.480 to 632.513, or as provided by section 632.475, has been committed to the department of mental health as a criminal sexual psychopath under statutes in effect before August 13, 1980, or has been granted a conditional release under the provisions of chapter 552 or sections 632.480 to 632.513, and he or she escapes from such commitment, detention, or conditional release. 2. The offense of escape from commitment, detention, or conditional release is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2004 H.B. 1215, A.L. 2006 H.B. 1698, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.200 - Escape or attempted escape from custody — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.200. Escape or attempted escape from custody — penalty. —1. A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any offense or violation of probation or parole, he or she escapes or attempts to escape from custody. 2. The offense of escape or attempted escape from custody is a class A misdemeanor unless: (1) The person escaping or attempting to escape is under arrest for a felony, in which case it is a class E felony; or (2) The offense is committed by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case it is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 1986 S.B. 450, A.L. 2014 S.B. 491, A.L. 2022 S.B. 799)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.205 - Tampering with electronic monitoring equipment, offense of — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.205. Tampering with electronic monitoring equipment, offense of — violation, penalty. —1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, or destroys electronic monitoring equipment which a court, the division of probation and parole or the parole board has required such person to wear. 2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment. 3. The offense of tampering with electronic monitoring equipment is a class D felony. ---------- (L. 2005 H.B. 353 merged with H.B. 972, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.206 - Violating a condition of lifetime supervision, offense of — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.206. Violating a condition of lifetime supervision, offense of — violation, penalty. —1. A person commits the offense of violating a condition of lifetime supervision if he or she knowingly violates a condition of probation, parole, or conditional release when such condition was imposed by an order of a court under section 559.106 or an order of the parole board under section 217.735. 2. The offense of violating a condition of lifetime supervision is a class D felony. ---------- (L. 2005 H.B. 353 merged with H.B. 972, A.L. 2014 S.B. 491, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.210 - Escape or attempted escape from confinement — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.210. Escape or attempted escape from confinement — penalties. —1. A person commits the offense of escape or attempted escape from confinement if, while being held in confinement after arrest for any offense, while serving a sentence after conviction for any offense, or while at an institutional treatment center operated by the department of corrections as a condition of probation or parole, he or she escapes or attempts to escape from confinement. 2. The offense of escape or attempted escape from confinement in the department of corrections is a class B felony. 3. The offense of escape or attempted escape from confinement in a county or private

jail or city or county correctional facility is a class E felony unless: (1) The offense is facilitated by striking or beating any person, in which case it is a class D felony; (2) The offense is committed by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case it is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 1986 S.B. 450, A.L. 1994 S.B. 763, A.L. 1995 H.B. 424, A.L. 2009 S.B. 44, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.220 - Failure to return to confinement — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.220. Failure to return to confinement — penalties. —1. A person commits the offense of failure to return to confinement if, while serving a sentence for any offense under a work-release program, or while under sentence of any offense to serve a term of confinement which is not continuous, or while serving any other type of sentence for any offense wherein he or she is temporarily permitted to go at large without guard, he or she purposely fails to return to confinement when he or she is required to do so. 2. This section does not apply to persons who are free on bond, bail or recognizance, personal or otherwise, nor to persons who are on probation or parole, temporary or otherwise. 3. The offense of failure to return to confinement is a class C misdemeanor unless: (1) The sentence being served is one of confinement in a county or private jail on conviction of a felony, in which case it is a class A misdemeanor; or (2) The sentence being served is to the Missouri department of corrections, in which case it is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2009 S.B. 44, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.230 - Aiding escape of a prisoner — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.230. Aiding escape of a prisoner — penalties. —1. A person commits the offense of aiding escape of a prisoner if he or she: (1) Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other offense; or (2) Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement. 2. The offense of aiding escape of a prisoner is a class A misdemeanor, unless committed by introducing a deadly weapon or dangerous instrument into a place of confinement or aiding escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction, in which case it is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 2001 H.B. 144 & 46, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.240 - Permitting escape — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.240. Permitting escape — penalties. —1. A public servant, contract employee of a county or private jail, or employee of a private jail who is authorized and required by law to have charge of any person charged with or convicted of any offense commits the offense of permitting escape if he or she knowingly: (1) Suffers, allows or permits any deadly weapon or dangerous instrument, or anything adapted or designed for use in making an escape, to be introduced into or allowed to remain in any place of confinement, in violation of law, regulations or rules governing the operation of the place of confinement; or (2) Suffers, allows or permits a person in custody or confinement to escape. 2. The offense of permitting escape is a class E felony, unless committed by suffering, allowing, or permitting any deadly weapon or dangerous instrument to be introduced into a place of confinement, in which case it is a class B felony. ---------- (L. 1977 S.B. 60, A.L. 2009 S.B. 44, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.250 - Disturbing a judicial proceeding — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.250. Disturbing a judicial proceeding — penalty. —1. A person commits the offense of disturbing a judicial proceeding if, with the purpose to intimidate a judge, attorney, juror, party or witness and thereby influence a judicial proceeding, he or she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter, concerning the conduct of the judicial proceeding, or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party, or witness in connection with such proceeding. 2. The offense of disturbing a judicial proceeding is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.260 - Tampering with a judicial proceeding — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.260. Tampering with a judicial proceeding — penalty. —1. A person commits the offense of tampering with a judicial proceeding if, with the purpose to influence the official action of a judge, juror, special master, referee, arbitrator, state prosecuting or circuit attorney,

state assistant prosecuting or circuit attorney, or attorney general in a judicial proceeding, he or she: (1) Threatens or causes harm to any person or property; or (2) Engages in conduct reasonably calculated to harass or alarm such official or juror; or (3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon such official or juror. 2. The offense of tampering with a judicial proceeding is a class D felony. ---------- (L. 1977 S.B. 60, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.270 - Tampering with a witness or victim — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.270. Tampering with a witness or victim — penalties. —1. A person commits the offense of tampering with a witness or victim if: (1) With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she: (a) Threatens or causes harm to any person or property; or (b) Uses force, threats or deception; or (c) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or (d) Conveys any of the foregoing to another in furtherance of a conspiracy; or (2) He or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from: (a) Making any report of such victimization to any peace officer, state, local or federal law enforcement officer, prosecuting agency, or judge; (b) Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; (c) Arresting or causing or seeking the arrest of any person in connection with such victimization. 2. The offense of tampering with a witness or victim is a class A misdemeanor, unless the original charge is a felony, in which case tampering with a witness or victim is a class D felony. Persons convicted under this section shall not be eligible for parole. ---------- (L. 1977 S.B. 60, A.L. 1983 S.B. 24, A.L. 2005 H.B. 353, A.L. 2014 S.B. 491) Effective 1-01-17 CROSS REFERENCES: Court order against witness or victim tampering, 491.600; violations, 491.610 Pretrial release of defendant conditioned on no tampering, forms for bail or bond to set out also forfeiture of bond, 491.620

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.280 - Acceding to corruption — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.280. Acceding to corruption — penalties. —1. A person commits the offense of acceding to corruption if he or she: (1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that it will influence his or her official action in a judicial proceeding pending in any court or before such official or juror; (2) Is a witness or prospective witness in any official proceeding and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information or documents, or testify falsely. 2. The offense of acceding to corruption under subdivision (1) of subsection 1 of this section is a class C felony. The offense of acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution or on the representation or understanding of testifying falsely is a class D felony. Otherwise acceding to corruption is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.290 - Improper communication — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.290. Improper communication — penalty. —1. A person commits the offense of improper communication if he or she communicates, directly or indirectly, with any juror, special master, referee, or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person. 2. The offense of improper communication is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.300 - Misconduct by a juror — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.300. Misconduct by a juror — penalty. —1. A juror commits the offense of misconduct by a juror if he or she knowingly: (1) Promises or agrees, prior to the submission of a cause to the jury for deliberation, to vote for or agree to a verdict for or against any party in a judicial proceeding; or (2) Receives any paper, evidence or information from anyone in relation to any judicial proceeding for the trial of which he has been or may be sworn, without the authority of the court or officer before whom such proceeding is pending, and does not immediately disclose the same to such court or officer. 2. The offense of misconduct by a juror is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.310 - Misconduct in selecting or summoning a juror — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.310.

Misconduct in selecting or summoning a juror — penalty. —1. A public servant authorized by law to select or summon any juror commits the offense of misconduct in selecting or summoning a juror if he or she knowingly acts unfairly, improperly or not impartially in selecting or summoning any person or persons to be a member or members of a jury. 2. The offense of misconduct in selecting or summoning a juror is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.320 - Misconduct in administration of justice — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.320. Misconduct in administration of justice — penalty. —1. A public servant, in his or her public capacity or under color of his or her office or employment, commits the offense of misconduct in administration of justice if he or she: (1) Is charged with the custody of any person accused or convicted of any offense or municipal ordinance violation and he or she coerces, threatens, abuses or strikes such person for the purpose of securing a confession from him or her; (2) Knowingly seizes or levies upon any property or dispossesses anyone of any lands or tenements without due and legal process, or other lawful authority; (3) Is a judge and knowingly accepts a plea of guilty from any person charged with a violation of a statute or ordinance at any place other than at the place provided by law for holding court by such judge; (4) Is a jailer or keeper of a county jail and knowingly refuses to receive, in the jail under his or her charge, any person lawfully committed to such jail on any criminal charge or criminal conviction by any court of this state, or on any warrant and commitment or capias on any criminal charge issued by any court of this state; (5) Is a law enforcement officer and violates the provisions of section 544.170 by knowingly: (a) Refusing to release any person in custody who is entitled to such release; or (b) Refusing to permit a person in custody to see and consult with counsel or other persons; or (c) Transferring any person in custody to the custody or control of another, or to another place, for the purpose of avoiding the provisions of that section; or (d) Proffering against any person in custody a false charge for the purpose of avoiding the provisions of that section; or (6) Orders or suggests to an employee of a political subdivision that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota basis or that such employee shall increase the number of traffic citations that he or she is currently issuing. 2. The offense of misconduct in the administration of justice is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 1993 S.B. 180, A.L. 2014 S.B. 491, A.L. 2016 S.B. 765) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 575 - Offenses Against the Administration of JusticeSection 575.353 - Max's Law — assault on a police animal — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 575 575.353. Max's Law — assault on a police animal — penalties. —1. This section shall be known and may be cited as "Max's Law". 2. A person commits the offense of assault on a law enforcement animal if he or she knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a law enforcement animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department or a rescue unit or agency. 3. The offense of assault on a law enforcement animal is a: (1) Class A misdemeanor, if the law enforcement animal is not injured to the point of requiring veterinary care or treatment; (2) Class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and (3) Class D felony if the assault results in the death of such animal. ---------- (L. 1999 H.B. 248 § 575.337, A.L. 2014 S.B. 491, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.010 - Bribery of a public servant — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.010. Bribery of a public servant — penalty. —1. A person commits the offense of bribery of a public servant if he or she knowingly offers, confers or agrees to confer upon any public servant any benefit, direct or indirect, in return for: (1) The recipient's official vote, opinion, recommendation, judgment, decision, action or exercise of discretion as a public servant; or (2) The recipient's violation of a known legal duty as a public servant. 2. It is no defense that the recipient was not qualified to act in the desired way because he or she had not yet assumed office, or lacked jurisdiction, or for any other reason. 3. The offense of bribery of a public servant is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.020 - Public servant acceding to corruption — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.020. Public servant acceding to corruption — penalty. —1. A public servant commits the offense of acceding to corruption if he or she knowingly solicits, accepts or agrees to accept any benefit, direct or indirect, in return for his or her: (1) Official vote, opinion, recommendation, judgment, decision, action or exercise of discretion as a public servant; or (2) Violation of a known legal duty as a public servant. 2. The offense of acceding to corruption by a public servant is a class E felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.030 - Obstructing government operations — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.030. Obstructing government operations — penalty. —1. A person commits the offense of obstructing government operations if he or she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle. 2. The offense of obstructing government operations is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.040 - Official misconduct — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.040. Official misconduct — penalty. —1. A public servant, in such person's public capacity or under color of such person's office or employment, commits the offense of official misconduct if he or she: (1) Knowingly discriminates against any employee or any applicant for employment on account of race, creed, color, sex or national origin, provided such employee or applicant possesses adequate training and educational qualifications; (2) Knowingly demands or receives any fee or reward for the execution of any official act or the performance of a duty imposed by law or by the terms of his or her employment, that is not due, or that is more than is due, or before it is due; (3) Knowingly collects taxes when none are due, or exacts or demands more than is due; (4) Is a city or county treasurer, city or county clerk, or other municipal or county officer and knowingly orders the payment of any money, or draws any warrant, or pays over any money for any purpose other than the specific purpose for which the same was assessed, levied and collected, unless it is or shall have become impossible to use such money for that specific purpose; (5) Is an officer or employee of any court and knowingly charges, collects or receives less fee for his services than is provided by law; (6) Is an officer or employee of any court and knowingly, directly or indirectly, buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this state, or any county warrant, at less than par value which may be by law due or to become due to any person by or through any such court; or (7) Is a county officer, deputy or employee and knowingly traffics for or purchases at less than the par value or speculates in any county warrant issued by order of the county commission of his or her county, or in any claim or demand held against such county. 2. The offense of official misconduct is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.050 - Misuse of official information — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.050. Misuse of official information — penalty. —1. A public servant commits the offense of misuse of official information if, in contemplation of official action by himself or herself or by a governmental unit with which he or she is associated, or in reliance on information to which he or she has access in his or her official capacity and which has not been made public, he or she knowingly: (1) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or (2) Speculates or wagers on the basis of such information or official action; or (3) Aids, advises or encourages another to do any of the foregoing with purpose of conferring a pecuniary benefit on any person. 2. A person commits the offense of misuse of official information if he or she recklessly obtains or discloses information from the Missouri uniform law enforcement system (MULES) or the National Crime Information Center System (NCIC), or any other criminal justice information sharing system that contains individually identifiable information for private or personal use, or for a purpose other than in connection with their official duties and performance of their job. 3. The offense of misuse of official information is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2005 H.B. 353, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.060 - Failure to give a tax list — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.060. Failure to give a tax list — penalty. —1. A person commits the offense of failure to give a tax list if, when requested by a government assessor, he or she knowingly fails to give a true list of all his or her taxable property, or to take and subscribe an oath or affirmation to such list as required by law. 2. Failure to give a tax list is an infraction. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.070 - Treason — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.070. Treason — penalty. —1. A person owing allegiance to the state commits the offense of treason if he or she purposely levies war against the state, or adheres to its enemies by giving them aid and comfort. 2. No person shall be convicted of treason unless one or more overt

acts are alleged in the indictment or information. 3. In a trial on a charge of treason, no evidence shall be given of any overt act that is not specifically alleged in the indictment or information. 4. No person shall be convicted of treason except upon the direct evidence of two or more witnesses to the same overt act, or upon his or her confession under oath in open court. 5. The offense of treason is a class A felony. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 576 - Offenses Affecting GovernmentSection 576.080 - Supporting terrorism — definition of material support — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 576 576.080. Supporting terrorism — definition of material support — penalty. —1. A person commits the offense of supporting terrorism if such person knowingly provides material support to any organization designated as a foreign terrorist organization pursuant to 8 U.S.C. Section 1189, as amended, and acts recklessly with regard to whether such organization had been designated as a foreign terrorist organization pursuant to 8 U.S.C. Section 1189. 2. For the purpose of this section,"material support"includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation and other physical assets, except medicine or religious materials. 3. The offense of supporting terrorism is a class D felony. ---------- (L. 2002 S.B. 712, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.001 - Chapter definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.001. Chapter definitions. —As used in this chapter, the following terms mean: (1)"Aggravated offender", a person who has been found guilty of: (a) Three or more intoxication-related traffic offenses committed on separate occasions; or (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; (2)"Aggravated boating offender", a person who has been found guilty of: (a) Three or more intoxication-related boating offenses; or (b) Two or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; (3)"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with either: (a) A seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control; or (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement; (4)"Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or treatment court; (5)"Chronic offender", a person who has been found guilty of: (a) Four or more intoxication-related traffic offenses committed on separate occasions; or (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; (6)"Chronic boating offender", a person who has been found guilty of: (a) Four or more intoxication-related boating offenses; or (b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or (c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; (7)"Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690; (8)"Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017; (9)"Drive","driving","operates"or"operating", physically driving or operating a vehicle or vessel; (10)"Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators; (11)"Habitual offender", a person who has been found guilty of: (a) Five or more intoxication-related traffic offenses committed on separate occasions; or (b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or (c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or

municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; (12)"Habitual boating offender", a person who has been found guilty of: (a) Five or more intoxication-related boating offenses; or (b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or (c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or (d) While boating while intoxicated, the defendant acted with criminal negligence to: a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or b. Cause the death of two or more persons; or c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood; (13)"Intoxicated"or"intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof; (14)"Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense; (15)"Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of a state law, county or municipal ordinance, any federal offense, or any military offense, or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense; (16)"Law enforcement officer"or"arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri; (17)"Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water; (18)"Persistent offender", a person who has been found guilty of: (a) Two or more intoxication-related traffic offenses committed on separate occasions; or (b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; (19)"Persistent boating offender", a person who has been found guilty of: (a) Two or more intoxication-related boating offenses committed on separate occasions; or (b) One intoxication-related boating offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; (20)"Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged; (21)"Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged. ---------- (L. 1982 S.B. 513, A.L. 1986 H.B. 1531, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2005 H.B. 972 merged with S.B. 37, et al., A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2332, A.L. 2017 S.B. 34, A.L. 2018 1st Ex. Sess. H.B. 2, A.L. 2020 H.B. 1963)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.010 - Driving while intoxicated — sentencing restrictions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.010. Driving while intoxicated — sentencing restrictions. —1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition. 2. The offense of driving while intoxicated is: (1) A class B misdemeanor; (2) A class A misdemeanor if: (a) The defendant is a prior offender; or (b) A person less than seventeen years of age is present in the vehicle; (3) A class E felony if: (a) The defendant is a persistent offender; or (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person; (4) A class D felony if: (a) The defendant is an aggravated offender; (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or (c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person; (5) A class C felony if: (a) The defendant is a chronic offender; (b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person; (6) A class B felony if: (a) The defendant is a habitual offender; (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined in section 301.010, or the highway's right-of-way; (d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or (e) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood; (7) A class A felony if the defendant has previously been found guilty of an offense under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent violation of such paragraphs. 3. Notwithstanding the provisions of

subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence: (1) Unless such person shall be placed on probation for a minimum of two years; or (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program. 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation. 5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section: (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours; (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days. 6. A person found guilty of the offense of driving while intoxicated: (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding; (2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court; (3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court; (4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment; (5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and (6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day. ---------- (L. 1977 S.B. 60, A.L. 1982 S.B. 513, A.L. 2010 H.B. 1695, et al., A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2332, A.L. 2017 S.B. 34) (1986) Probable cause that a person had been "driving" under these sections was found even though the machine stands motionless, where such person is found unconscious behind the wheel with the motor running and the transmission in "drive". Dalton v. McNeill, 713 S.W.2d 26 (Mo.App.W.D.). (1996) It is not double jeopardy to be guilty of DWI in violation of this section and to suspend driving privileges pursuant to sections 302.500, et seq. State v. Mayo, 915 S.W.2d 758 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.012 - Driving with excessive blood alcohol content — sentencing restrictions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.012. Driving with excessive blood alcohol content — sentencing restrictions. —1. A person commits the offense of driving with excessive blood alcohol content if such person operates: (1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in his or her blood; or (2) A commercial motor vehicle while having four one-hundredths of one percent or more by weight of alcohol in his or her blood. 2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041. 3. The offense of driving with excessive blood alcohol content is: (1) A class B misdemeanor; (2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender; (3) A class E felony if the defendant is alleged and proved to be a persistent offender; (4) A class D felony if the defendant is alleged and proved to be an aggravated offender; (5) A class C felony if the defendant is alleged and proved to be a chronic offender; (6) A class B felony if the defendant is alleged and proved to be a habitual offender. 4. A person found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence: (1) Unless such person shall be placed on probation for a minimum of two years; or (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program. 5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section: (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours; (2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days. 6. If a person is found guilty of a second or subsequent offense of driving with an excessive blood alcohol content, the court may order the

person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation. 7. A person found guilty of driving with excessive blood alcohol content: (1) As a prior offender, persistent offender, aggravated offender, chronic offender or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding; (2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court; (3) As a persistent offender shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court; (4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment; (5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and (6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day. ---------- (L. 1975 S.B. 32, A.L. 1982 S.B. 513, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38, A.L. 2010 H.B. 1695, et al., A.L. 2014 S.B. 491, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2332) Effective 1-01-17 (1986) Probable cause that a person had been "driving" under these sections was found even though the machine stands motionless, where such person is found unconscious behind the wheel with the motor running and the transmission in "drive". Dalton v. McNeill, 713 S.W.2d 26 (Mo.App.W.D.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.013 - Boating while intoxicated — sentencing restrictions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.013. Boating while intoxicated — sentencing restrictions. —1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition. 2. The offense of boating while intoxicated is: (1) A class B misdemeanor; (2) A class A misdemeanor if: (a) The defendant is a prior boating offender; or (b) A person less than seventeen years of age is present in the vessel; (3) A class E felony if: (a) The defendant is a persistent boating offender; or (b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person; (4) A class D felony if: (a) The defendant is an aggravated boating offender; (b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or (c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person; (5) A class C felony if: (a) The defendant is a chronic boating offender; (b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or (c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person; (6) A class B felony if: (a) The defendant is a habitual boating offender; or (b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; (7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision (12) of section 577.001 and is found guilty of a subsequent violation of such paragraph. 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence: (1) Unless such person shall be placed on probation for a minimum of two years; or (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program. 4. If a person is found guilty of a second or subsequent offense of boating while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation. 5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section: (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours; (2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days. 6. A person found guilty of the offense of boating while intoxicated: (1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding; (2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available; (3) As a persistent

offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available; (4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment; (5) As a chronic or habitual boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and (6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day. ---------- (L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.014 - Boating with excessive blood alcohol content — penalties — sentencing restrictions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.014. Boating with excessive blood alcohol content — penalties — sentencing restrictions. —1. A person commits the offense of boating with excessive blood alcohol content if he or she operates a vessel while having eight-hundredths of one percent or more by weight of alcohol in his or her blood. 2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041. 3. The offense of boating with excessive blood alcohol content is: (1) A class B misdemeanor; (2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating offender; (3) A class E felony if the defendant is alleged and proved to be a persistent boating offender; (4) A class D felony if the defendant is alleged and proved to be an aggravated boating offender; (5) A class C felony if the defendant is alleged and proved to be a chronic boating offender; (6) A class B felony if the defendant is alleged and proved to be a habitual boating offender. 4. A person found guilty of the offense of boating with excessive blood alcohol content as a first offense shall not be granted a suspended imposition of sentence: (1) Unless such person shall be placed on probation for a minimum of two years; or (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program. 5. When a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section: (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours; (2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days. 6. If a person is found guilty of a second or subsequent offense of boating with an excessive blood alcohol content, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation. 7. A person found guilty of the offense of boating with excessive blood alcohol content: (1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding; (2) As a prior boating offender, shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available; (3) As a persistent boating offender, shall not be granted parole or probation until he or she has served a minimum of thirty days imprisonment: (a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available; (4) As an aggravated boating offender, shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment; (5) As a chronic or habitual boating offender, shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment; and (6) Any probation or parole granted under this subsection may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day. ---------- (L. 2014 S.B. 491, A.L. 2015 S.B. 254, A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.015 - Operating an aircraft while intoxicated — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.015. Operating an aircraft while intoxicated — penalties. —1. A person commits the offense of operating an aircraft while intoxicated if he or she, while in an intoxicated condition, knowingly operates any aircraft or knowingly acts as a copilot, flight engineer or flight navigator for an aircraft while in operation. 2. The offense of operating an aircraft while intoxicated is: (1) A class C misdemeanor; (2) A class A misdemeanor if the person has previously been found guilty of the offense of operating an aircraft while intoxicated or with an

excessive blood alcohol content, or any offense committed in another jurisdiction which, if committed in this state, would be the offense of operating an aircraft with excessive blood alcohol content or while intoxicated. ---------- (L. 1993 H.B. 562 § 8 subsecs. 1, 3, 4, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.203; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.016 - Operating an aircraft with excessive blood alcohol content — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.016. Operating an aircraft with excessive blood alcohol content — penalties. —1. A person commits the offense of operating an aircraft with excessive blood alcohol content if he or she knowingly operates any aircraft or knowingly acts as a copilot, flight engineer or flight navigator for an aircraft while in operation: (1) With four one-hundredths of one percent or more by weight of alcohol in his or her blood; or (2) Within eight hours after the consumption of any alcoholic beverage. 2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041. 3. The offense of operating an aircraft with excessive blood alcohol content is: (1) A class C misdemeanor; (2) A class A misdemeanor if the defendant has been found guilty of operating an aircraft with excessive blood alcohol content or operating an aircraft while intoxicated or any offense committed in any jurisdiction which, if committed in this state, would be the offense of operating an aircraft with excessive blood alcohol content or operating an aircraft while intoxicated. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.017 - Consumption of alcoholic beverages while driving — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.017. Consumption of alcoholic beverages while driving — penalty. —1. A person commits the offense of consumption of an alcoholic beverage while driving if he or she operates a moving motor vehicle upon any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality while consuming any alcoholic beverage. 2. The offense of consumption of an alcoholic beverage while driving is an infraction and shall not be reflected on any records maintained by the department of revenue. ---------- (L. 1991 S.B. 125 & 341 § 1, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.019 - Citation of law.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.019. Citation of law. —Sections 577.019 to 577.021 shall be known as the Alan Woods Law. ---------- (L. 2006 S.B. 872, et al., § 577.020 subsec. 1)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.020 - Chemical tests for alcohol content of blood — consent implied, when — administered, when, how — information available to person tested, contents — videotaping of chemical or field sobriety test admissible evidence.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.020. Chemical tests for alcohol content of blood — consent implied, when — administered, when, how — information available to person tested, contents — videotaping of chemical or field sobriety test admissible evidence. —1. Any person who operates a vehicle upon the public highways of this state, a vessel, or any aircraft, or acts as a flight crew member of an aircraft shall be deemed to have given consent, subject to the provisions of sections 577.019 to 577.041, to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances: (1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was operating a vehicle or a vessel while in an intoxicated condition; (2) If the person is detained for any offense of operating an aircraft while intoxicated under section 577.015 or operating an aircraft with excessive blood alcohol content under section 577.016; (3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was operating a vehicle or a vessel with a blood alcohol content of two-hundredths of one percent or more by weight; (4) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; (5) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater; or (6) If the person, while operating a vehicle, has been involved in a collision or accident which resulted in a fatality or a readily apparent serious physical injury as defined in section 556.061, or has been arrested as evidenced by the issuance of a uniform traffic

ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapters 306 and 307, or similar provisions contained in county or municipal ordinances. --The test shall be administered at the direction of the law enforcement officer whenever the person has been stopped, detained, or arrested for any reason. 2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same stop, detention, arrest, incident or charge. 3. To be considered valid, chemical analysis of the person's breath, blood, saliva, or urine shall be performed, according to methods approved by the state department of health and senior services, by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose. 4. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be used in the chemical test pursuant to the provisions of sections 577.019 to 577.041. The department shall also establish standards to ascertain the qualifications and competence of individuals to conduct such analyses and issue permits which shall be subject to termination or revocation by the state department of health and senior services. 5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer. 6. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following: (1) The type of test administered and the procedures followed; (2) The time of the collection of the blood, breath, or urine sample analyzed; (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine; (4) The type and status of any permit which was held by the person who performed the test; (5) If the test was administered by means of a breath-testing instrument, the date of the most recent maintenance of such instrument. --Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument. 7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at any trial of such person for a violation of any state law or county or municipal ordinance, and at any license revocation or suspension proceeding held pursuant to the provisions of chapter 302. ---------- (L. 1977 S.B. 60, A.L. 1982 S.B. 513, A.L. 1983 S.B. 318 & 135, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 1998 S.B. 634, A.L. 2001 H.B. 144 & 46, A.L. 2006 S.B. 872, et al., A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371) Effective 1-01-17 (1985) The arrested person does not have a choice of which statutory test to take. If a choice were allowed, the person could avoid taking the test by choosing one which was unavailable. Kiso v. King (A.), 691 S.W.2d 374. (1987) Department of Health rules on approved methods and techniques for chemical analysis of blood alcohol relate to evidence, are procedural and may be applied retrospectively. State v. Kummer, 741 S.W.2d 285 (Mo.App.E.D.). (2019) Implied consent provisions of this section and section 577.033 do not permit warrantless blood draws from unresponsive subjects in criminal cases, absent evidence of exigent circumstances. State v. Osborn, 591 S.W.3d 1 (Mo.App. W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.021 - Chemical testing authorized — reasonable efforts to test required — admissibility.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.021. Chemical testing authorized — reasonable efforts to test required — admissibility. —1. Any state, county or municipal law enforcement officer who is certified pursuant to chapter 590 may, prior to arrest, administer a chemical test to any person suspected of operating a vehicle, vessel, or aircraft or acting as a flight crew member of an aircraft while in an intoxicated condition or with an excessive blood alcohol content. 2. Any state, county, or municipal law enforcement officer who is certified under chapter 590 shall make all reasonable efforts to administer a chemical test to any person suspected of operating a vehicle or vessel involved in a collision or accident which resulted in a fatality or serious physical injury as defined in section 556.061. 3. A test administered pursuant to this section shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of sections 577.019 and 577.020 shall not apply to a test administered prior to arrest pursuant to this section. ---------- (L. 1993 S.B. 167, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38, A.L. 2006 S.B. 872, et al., A.L. 2014 S.B. 491) Effective 1-01-17 (2023) Numerical result of a preliminary breath test is admissible for the purpose of establishing probable cause, required to be proven by the director of revenue to suspend or revoke a driver's license under section 302.515. Wilmoth v. Director of Revenue, 669 S.W.3d 102 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.023 - Aggravated, chronic, persistent and prior offenders, when — trial procedures — sentencing information.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.023. Aggravated, chronic, persistent and prior offenders, when — trial procedures — sentencing information. —1. A court shall find the defendant to be a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender if: (1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a

finding that the defendant is a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender; and (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender; and (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender. 2. In a jury trial, the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender shall be found prior to submission to the jury outside of its hearing. 3. In a trial without a jury or upon a plea of guilty, a determination of the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender may be made by the court at any time prior to sentencing. 4. Evidence offered as proof of the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender or habitual boating offender shall include but not be limited to evidence of findings of guilt received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of revenue. Any findings of guilt used to establish the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender or habitual boating offender shall be prior to the date of commission of the present offense. 5. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings. 6. The defendant may waive proof of the facts used to prove his or her status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender. 7. If a court finds the defendant to be a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender, the court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict. 8. At sentencing, all parties shall be permitted to present additional information bearing on the issue of the sentence. Nothing in this section shall prevent the use of presentence investigations, sentencing advisory reports or commitments. ---------- (L. 1982 S.B. 513, A.L. 1983 S.B. 318 & 135, A.L. 1991 S.B. 125 & 341, A.L. 1993 S.B. 167 merged with S.B. 180, A.L. 1998 S.B. 634, A.L. 2001 H.B. 302 & 38, A.L. 2005 H.B. 353 merged with H.B. 972 and S.B. 37, et al. merged with H.B. 353, A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2008 H.B. 1715, A.L. 2008 H.B. 1715 merged with S.B. 930 & 947, A.L. 2009 H.B. 62, A.L. 2010 H.B. 1695, et al., A.L. 2011 H.B. 199, A.L. 2012 S.B. 480, A.L. 2014 S.B. 491) Effective 1-01-17 (1984) Sentence enhancement provisions do not violate constitutional proscription against ex post facto laws. (Mo.banc) State v. Acton, 665 S.W.2d 618. (1991) Where defendant was convicted of intoxication-related traffic offenses in violation of laws of other states, such convictions may be used for enhancement purposes as persistent offender. Phrase "in violation of state law" bars use of municipal ordinance convictions for enhancement. State v. Ryan, 813 S.W.2d 898 (Mo. App.S.D.). (1997) Intoxication-related traffic offense includes a guilty plea to a DWI in violation of a municipal ordinance with a suspended imposition of sentence. State v. Meggs, 950 S.W.2d 608 (Mo.App.S.D.). (1997) A blood alcohol content conviction pursuant to municipal ordinance can be used as evidence to enhance punishment. State v. Haskins, 950 S.W.2d 613 (Mo.App.S.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.024 - Unlawful use of water skis and surfboards — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.024. Unlawful use of water skis and surfboards — penalty. —1. A person commits the offense of unlawful use of water skis and surfboards, if such person: (1) Manipulates any water skis or surfboard in a reckless or negligent manner so as to endanger the life or property of any person; or (2) Manipulates any water skis or surfboard while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana. 2. The offense of unlawful use of water skis and surfboards is a class B misdemeanor. ---------- (L. 1959 S.B. 142 § 9, A.L. 1985 H.B. 280, et al., A.L. 2014 S.B. 491) Transferred 2014; formerly 306.110; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.025 - Negligent operation of a vessel — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.025. Negligent operation of a vessel — penalty. —A person commits the offense of negligent operation of a vessel if when operating a vessel he or she acts with criminal negligence, as defined in subsection 5 of section 562.016, to cause physical injury to any other person or damage to the property of any other person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the second violation, and guilty of a class E felony for conviction for the third and subsequent violations. ---------- (L. 1993 S.B. 167, A.L. 2008 H.B. 1715, A.L. 2014

S.B. 491) Transferred 2014; formerly 306.111; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.029 - Blood alcohol content tests, how made, by whom, when — person tested to receive certain information, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.029. Blood alcohol content tests, how made, by whom, when — person tested to receive certain information, when. —A licensed physician, registered nurse, phlebotomist, or trained medical technician, acting at the request and direction of the law enforcement officer under section 577.020, shall, with the consent of the patient or a warrant issued by a court of competent jurisdiction, withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her. ---------- (L. 1982 S.B. 513, A.L. 2007 H.B. 574, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2018 S.B. 870 merged with S.B. 951)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.031 - Persons administering tests not liable, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.031. Persons administering tests not liable, when. —No person who administers any test pursuant to the provisions of sections 577.020 to 577.041 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated, shall be civilly liable in damages to the person tested unless for gross negligence, willful or wanton act, or omission. ---------- (L. 1982 S.B. 513, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.033 - Inability of person to be tested to refuse, effect.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.033. Inability of person to be tested to refuse, effect. —Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusing to take a test as provided in sections 577.020 to 577.041 shall be deemed not to have withdrawn the consent provided by section 577.020 and the test or tests may be administered. ---------- (L. 1982 S.B. 513)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.037 - Chemical tests, results admitted into evidence, when, effect of.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.037. Chemical tests, results admitted into evidence, when, effect of. —1. Upon the trial of any person for any criminal offense or violations of county or municipal ordinances, or in any license suspension or revocation proceeding pursuant to the provisions of chapter 302, arising out of acts alleged to have been committed by any person while operating a vehicle, vessel, or aircraft, or acting as a flight crew member of any aircraft, while in an intoxicated condition or with an excessive blood alcohol content, the amount of alcohol in the person's blood at the time of the act, as shown by any chemical analysis of the person's blood, breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. 2. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition shall be dismissed with prejudice unless one or more of the following considerations cause the court to find a dismissal unwarranted: (1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen; (2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or (3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant. 3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath. 4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated. 5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection 2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state

department of health and senior services. ---------- (L. 1982 S.B. 513, A.L. 1983 S.B. 318 & 135, A.L. 1988 H.B. 1242 Revision, A.L. 1993 S.B. 167 merged with S.B. 180, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 2001 H.B. 302 & 38, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2016 H.B. 2332) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.041 - Refusal to submit to chemical test — admissibility — request to include reasons and effect of refusal.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.041. Refusal to submit to chemical test — admissibility — request to include reasons and effect of refusal. —1. If a person under arrest, or who has been detained pursuant to subdivision (2) of subsection 1 of section 577.020, or stopped pursuant to subdivision (3) or (4) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in any proceeding related to the acts resulting in such detention, stop, or arrest. 2. The request of the officer to submit to any chemical test shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person. If such person was operating a vehicle prior to such detention, stop, or arrest, he or she shall further be informed that his or her license shall be immediately revoked upon refusal to take the test. 3. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If, upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. ---------- (L. 1982 S.B. 513, A.L. 1987 S.B. 230, A.L. 1991 S.B. 125 & 341, A.L. 1993 S.B. 167 merged with S.B. 180, A.L. 1996 H.B. 1169 & 1271 merged with S.B. 722, A.L. 1998 S.B. 634, A.L. 2001 H.B. 302 & 38, A.L. 2002 H.B. 2062, A.L. 2003 H.B. 600, A.L. 2005 H.B. 353 merged with H.B. 487, A.L. 2008 S.B. 930 & 947, A.L. 2010 H.B. 1695, et al., A.L. 2013 S.B. 23, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371) Effective 1-01-17 (1988) Person may have limited right to consult with counsel prior to taking test, but there is no right to have an attorney present during test or to condition taking of test on presence of attorney. Kilpatrick v. Director of Revenue, 756 S.W.2d 214 (Mo.App.E.D.). (1989) It is not a denial of equal protection when statute requires director of revenue to revoke driver's license for refusing to take chemical tests and then revoke driver's license for accumulation of points without a showing that all similarly situated drivers were not treated equally. (Mo.App.W.D.) Brown v. Director of Revenue, 772 S.W.2d 398) (2010) Twenty-minute waiting period begins running immediately after the officer has informed the driver of the implied consent law, regardless of whether the driver requested an attorney before or after the information was provided. Norris v. Director of Revenue, 304 S.W.3d 724 (Mo. en banc). (2019) Motorist's refusal to consent to chemical test was not voluntary and unequivocal under section, where law enforcement officer deprived him of the right to confer privately with his attorney and where the Director of Revenue failed to show that he was not prejudiced by the action. Roesing v. Director of Revenue, 573 S.W.3d 634 (Mo.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.060 - Leaving the scene of an accident — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.060. Leaving the scene of an accident — penalties. —1. A person commits the offense of leaving the scene of an accident when: (1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury or death or damage to property of another person; and (2) Having knowledge of such accident he or she leaves the place of the injury, damage or accident without stopping and giving the following information to the other party or to a law enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law enforcement agency: (a) His or her name; (b) His or her residence, including city and street number; (c) The registration or license number for his or her vehicle or vessel; and (d) His or her operator's license number, if any. 2. For the purposes of this section, all law enforcement officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned property for the purpose of investigating an accident and performing all necessary duties regarding such accident. 3. The offense of leaving the scene of an accident is: (1) A class A misdemeanor; (2) A class E felony if: (a) Physical injury was caused to another party; or (b) Damage in excess of one thousand dollars was caused to the property of another person; or (c) The defendant has previously been found guilty of any offense in violation of this section; or committed in another jurisdiction which, if committed in this state, would be a violation of an offense of this section; or (3) A class D felony if a death has occurred as a result of the accident. 4. A law enforcement officer who investigates or receives information of an accident involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall make a written report of the investigation or information received and such additional facts relating to the accident as may come to his or her knowledge, mail the information to the department of public safety, and keep a record thereof in his or her office. 5. The provisions of this section shall not apply to the operation of all-terrain vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies. ---------- (L. 1977 S.B. 60, A.L. 1983 H.B. 287, A.L. 1986 S.B. 450, A.L. 1989 1st Ex. Sess. H.B. 3, A.L. 2014 S.B. 491, A.L. 2016 H.B. 2332, A.L. 2017 S.B. 34)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.068 - Failure to report a shooting — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.068. Failure to

report a shooting — penalties. —1. A person commits the offense of failure to report a shooting when: (1) Being in possession of a firearm or projectile weapon as defined in section 571.010, he or she discharges such firearm or projectile weapon and causes injury or death to another person; and (2) Knowing that he or she has caused such injury or death, fails to report such shooting to a law enforcement officer. If no such officer is in the vicinity where the shooting occurs, the person must provide such information to the nearest law enforcement agency. 2. Failure to report a shooting is: (1) A class A misdemeanor; or (2) A class E felony if the person has previously been found guilty of a violation of this section or any offense committed in another jurisdiction which, if committed in this state, would be a violation of an offense described in this section. 3. A person is not in violation of this section if he or she fails to report a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise reports the shooting as provided herein within a reasonable time after the shooting. 4. All law enforcement officers and reserve law enforcement officers shall have authority to investigate shootings and arrest a person who violates subsection 1 of this section, except that conservation agents may enforce such provisions as to hunting-related shootings. For the purpose of this section, a"hunting-related shooting"shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon. ---------- (L. 1999 S.B. 328, et al., A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.070 - Littering — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.070. Littering — penalties. —1. A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without the owner's consent. 2. The offense of littering is a class C misdemeanor unless: (1) Such littering creates a substantial risk of physical injury or property damage to another; or (2) The person has been found guilty of a violation of this section or an offense committed in another jurisdiction which, if committed in this state, would be a violation under this section, in which case it is a class A misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.073 - Damaging state park property — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.073. Damaging state park property — penalties. —1. A person commits the offense of damaging state park property if he or she: (1) Knowingly places or deposits waste paper, tin cans, bottles, or rubbish of any kind within a state park; (2) Contaminates, in any manner, any spring, pool, or stream within a state park; (3) Cuts, prunes, picks, defaces, or injures, in any manner, the flowers, trees, shrubs, or any other flora growing on the land or in the water of any state park except as performed or directed by authorized personnel of the department of natural resources; or (4) Removes, injures, disfigures, defaces, or destroys an object of archaeological or historical value or interest within a state park except as performed or directed by authorized personnel of the department of natural resources. 2. The offense of damaging state park property is a class C misdemeanor, unless: (1) Such damage creates a substantial risk of physical injury or property damage to another; or (2) The defendant has previously been found guilty of a violation of this section or an offense committed in another jurisdiction which, if committed in this state, would be a violation under this section, in which case it is a class A misdemeanor. ---------- (L. 1961 p. 332 §§ 1, 2, A.L. 2012 H.B. 1251 merged with S.B. 719, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.075 - Anhydrous ammonia, unlawful release — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.075. Anhydrous ammonia, unlawful release — penalty. —1. A person commits the offense of unlawful release of anhydrous ammonia if he or she is not the owner or not in lawful control of an approved container of anhydrous ammonia and knowingly releases or allows the escape of anhydrous ammonia into the atmosphere. 2. The offense of unlawful release of anhydrous ammonia is a class B felony, unless such release causes serious physical injury or death to any person in which case it is a class A felony. ---------- (L. 2003 H.B. 470 merged with S.B. 39, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.076 - Unlawful disposition of a dead animal — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.076. Unlawful disposition of a dead animal — penalty. —1. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal: (1) Into any well, spring, brook, branch, creek, pond, or lake; or (2) On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the

purpose of annoying another or others. 2. The offense of unlawful disposition of a dead animal is a class C misdemeanor. ---------- (RSMo 1939 § 4729, A.L. 1971 H.B. 72, A.L. 1972 S.B. 457, A.L. 2014 S.B. 491) Prior revisions: 1929 § 4339; 1919 § 3587; 1909 § 4795 Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.078 - Water contamination — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.078. Water contamination — penalty. —1. A person commits the offense of criminal water contamination if such person knowingly introduces any dangerous radiological, chemical or biological agent or substance into any public or private waters of the state or any water supply with the purpose of causing death or serious physical injury to another person. 2. The offense of criminal water contamination is a class B felony. ---------- (L. 2002 S.B. 712, A.L. 2014 S.B. 491) Transferred 2014; formerly 569.072; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.080 - Abandoning motor vehicle — last owner of record deemed the owner of abandoned motor vehicle, procedures — penalty — civil liability.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.080. Abandoning motor vehicle — last owner of record deemed the owner of abandoned motor vehicle, procedures — penalty — civil liability. —1. A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she knowingly abandons any vehicle, vessel, or trailer on: (1) The right-of-way of any public road or state highway; (2) On or in any of the waters in this state; (3) On the banks of any stream; (4) On any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof; (5) On any land or water owned, operated or leased by the federal government; or (6) On any private real property owned by another without his or her consent. 2. For purposes of this section, the last owner of record of a vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and 301.197 shall be deemed prima facie evidence of ownership of such vehicle, vessel, or trailer at the time it was abandoned and the person who abandoned the vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned vehicle, vessel, or trailer shall not be subject to the penalties provided by this section if the vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the vehicle, vessel, or trailer is alleged to have been stolen, the owner of the vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation. 3. The offense of abandoning a vehicle, vessel, or trailer is a class A misdemeanor. 4. Any person convicted pursuant to this section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned vehicle, vessel, or trailer that exist at the time the property is transferred pursuant to section 304.156 shall remain the liability of the person convicted pursuant to this section so long as the towing company, as defined in chapter 304, provided the title owner and lienholders, as ascertained by the department of revenue records, a notice within the time frame and in the form as described in subsection 1 of section 304.156. ---------- (L. 1977 S.B. 60, A.L. 2004 S.B. 1233, et al., A.L. 2008 H.B. 1715, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.100 - Abandonment of airtight or semi-airtight containers — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.100. Abandonment of airtight or semi-airtight containers — penalty. —1. A person commits the offense of abandonment of an airtight or semiairtight container if he or she knowingly abandons, discards, or permits to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. 2. Subsection 1 of this section does not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouse operator or repair person. 3. The defendant shall have the burden of injecting the issue under subsection 2 of this section. 4. The offense of abandonment of an airtight or semiairtight container is a class B misdemeanor. ---------- (L. 1977 S.B. 60, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.150 - Tampering with a water supply — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.150. Tampering with a water supply — penalty. —1. A person commits the offense of tampering with a water supply if he or she purposely: (1) Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or (2) Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for their use. 2. The offense of tampering with a water supply is a class A misdemeanor. ---------- (RSMo 1939 § 4730, A.L. 2014 S.B. 491) Prior revisions: 1929 § 4340; 1919 § 3588; 1909 § 4796 Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.155 - Construction or use of a waste disposal well — definitions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.155. Construction or use of a waste disposal well — definitions — penalty. —1. A person, firm, corporation or political subdivision commits the offense of construction or use of a waste disposal well if such person, firm, corporation, or political subdivision knowingly constructs or uses a waste disposal well. 2. As used in this section,"waste disposal well"means any subsurface void porous formation or cavity, natural or artificial, used for the disposal of liquid or semi-aqueous waste except as excluded in subsection 3 of this section. 3. "Waste disposal well" shall not include: (1) Sanitary landfills or surface mining pits used for the disposal of nonputrescible solid wastes as defined in section 64.460; (2) Cesspools used solely for disposal of waste from private residences; or (3) Septic tanks used solely for disposal of waste. 4. It shall not be a violation of this section to: (1) Inject or return fluids into subsurface formations in connection with oil or gas operations regulated by the state oil and gas council pursuant to chapter 259; (2) Inject or return water into subsurface formations pursuant to chapter 644 and section 192.020 in connection with the following instances: (a) Any groundwater heat pump injection/withdrawal well that is limited to a single family residence; (b) Any groundwater heat pump injection/withdrawal well that is limited to eight or less single family residences as long as the combined injection/withdrawal rate is less than six hundred thousand British Thermal Units per hour; (c) All other uses of groundwater heat pump injection/withdrawal wells shall be subject to a permitting procedure as established and regulated by the clean water commission; or (3) Backfill cavities as an integral part of the mining operation with aggregate or other material obtained from that operation to either reduce accumulation of waste on the surface or to provide additional ground support in the mined-out areas or to inundate such cavities with water devoid of toxic liquid wastes, but the person, firm, or corporation who so backfills may not do so without the consent of the owner of the property to be backfilled. 5. The offense of construction or use of a waste disposal well is a class A misdemeanor. Each day of violation constitutes a separate offense. ---------- (L. 1971 H.B. 189 §§ 1 to 5, A.L. 1976 S.B. 851, A.L. 1980 H.B. 1614, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.161 - Prohibiting the use of a life jacket — definitions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.161. Prohibiting the use of a life jacket — definitions — penalty. —1. A person commits the offense of prohibiting the use of a life jacket if he or she knowingly disallows the use of a life jacket in a swimming pool by any individual who, as evidenced by a statement signed by a licensed physician, suffers from a physical disability or condition which necessitates the use of such life jacket. 2. As used in this section the following terms mean: (1)"Life jacket", a life jacket, life vest, or any other flotation device designed to be worn about the body to assist in maintaining buoyancy in water; (2)"Person", any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the state of Missouri or any political subdivision or department thereof, or any other entity; (3)"Swimming pool", any artificial basin of water which is modified, improved, constructed, or installed for the purpose of public swimming, and includes: pools for community use, pools at apartments, condominiums, and other groups or associations having five or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas, motels, hotels, and other commercial establishments. It does not include pools at private residences intended only for the use of the owner or guests. 3. The offense of prohibiting the use of a life jacket is a class C misdemeanor. ---------- (L. 1987 S.B. 100 §§ 2, 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.300 - Leaving a child unattended in a motor vehicle — first and second degree — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.300. Leaving a child unattended in a motor vehicle — first and second degree — penalties. —1. As used in this section, the following terms mean: (1)"Collision", the act of a motor vehicle coming into contact with an object or a person; (2)"Injures", to cause physical harm to the body of a person; (3)"Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks; (4)"Unattended", not accompanied by an individual fourteen years of age or

older. 2. A person commits the offense of leaving a child unattended in a motor vehicle in the first degree if such person knowingly leaves a child less than eleven years of age unattended in a motor vehicle and such child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian. 3. Leaving a child unattended in a motor vehicle in the first degree is a class C felony. 4. A person commits the offense of leaving a child unattended in a motor vehicle in the second degree if such person knowingly leaves a child less than eleven years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. 5. The offense of leaving a child unattended in a motor vehicle in the second degree is a class A misdemeanor. ---------- (L. 2000 S.B. 757 & 602, A.L. 2014 S.B. 491) Transferred 2014; formerly 568.052; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.599 - Failure to comply with ignition interlock device requirements — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.599. Failure to comply with ignition interlock device requirements — penalty. —1. A person commits the offense of failure to comply with ignition interlock device requirements if he or she knowingly operates a motor vehicle that is not equipped with a functioning certified ignition interlock device in violation of a court, or department of revenue, order to use such a device. 2. The offense of failure to comply with ignition interlock device requirements is a class A misdemeanor. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.600 - Renting, leasing, or lending a vehicle to a person required to comply with ignition interlock requirements — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.600. Renting, leasing, or lending a vehicle to a person required to comply with ignition interlock requirements — penalty. —1. A person commits the offense of renting, leasing, or lending a vehicle to a person required to comply with ignition interlock requirements if he or she knowingly rents, leases, or lends a vehicle to a person required to use an ignition interlock device on all vehicles operated by the person unless the vehicle being rented, leased, or loaned is equipped with a functioning, certified ignition interlock device. 2. The offense of renting, leasing, or lending a vehicle to a person required to comply with ignition interlock requirements is a class A misdemeanor. ---------- (L. 1995 S.B. 102 § 1, A.L. 2001 H.B. 302 & 38, A.L. 2008 S.B. 930 & 947, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.605 - Failure to notify another of ignition interlock requirements — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.605. Failure to notify another of ignition interlock requirements — penalty. —1. A person commits the offense of failure to notify another of ignition interlock requirements if he or she is required to use an ignition interlock device on all vehicles he or she operates and he or she knowingly fails to notify any other person who rents, leases or loans a vehicle to that person of such requirement. 2. The offense of failing to notify another of ignition interlock requirements is a class A misdemeanor. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.612 - Tampering with or circumventing the operation of an interlock device — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.612. Tampering with or circumventing the operation of an interlock device — penalty. —1. A person commits the offense of tampering with or circumventing the operation of an ignition interlock device if: (1) His or her driving privilege is restricted by a prohibition on the operation of any vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device, and he or she knowingly requests or solicits any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person so restricted with an operable vehicle; or (2) He or she blows into an ignition interlock device or starts a vehicle equipped with the device for the purpose of providing an operable vehicle to a person whose driving privilege is restricted pursuant to the provisions of this chapter or chapter 302 by a prohibition on the operation of any vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device; or (3) He or she tampers with, or circumvents the operation of, an ignition interlock device. 2. The offense of tampering with or circumventing the operation of an ignition interlock device is a class A misdemeanor. ---------- (L. 1995 S.B. 102 § 7, A.L. 2008 S.B. 930 & 947, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.665 - Minors, parental consent required, when — definitions — standard consent form — violations, penalty — contingent effective date.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.665. Minors, parental consent required, when — definitions — standard consent form — violations, penalty — contingent effective date. —1. As

used in this section, the following terms shall mean: (1)"Tanning device", any equipment that emits electromagnetic radiation with wavelengths in the air between two hundred and four hundred nanometers used for tanning of the skin, including but not limited to a sunlamp, tanning booth or tanning bed; (2)"Tanning facility", any location, place, area, structure, or business which provides persons access to any tanning device for a fee, membership dues, or any other form of compensation. 2. Prior to any person less than seventeen years of age using a tanning device in a tanning facility, a parent or guardian of such person shall annually appear in person at the tanning facility and sign a written statement acknowledging that the parent or guardian has read and understands the warnings given by the tanning facility and consents to the person's use of a tanning device at the tanning facility. 3. The department of health and senior services shall, by rule, develop a standard consent form to be used by all tanning facilities operating in this state. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void. 4. Any tanning facility that violates the provisions of this section shall be subject to a fine of one hundred dollars for a first violation, two hundred fifty dollars for a second violation, and five hundred dollars for each subsequent violation. Every use of a tanning device in a tanning facility in violation of this section is a separate offense. *5. The duties and penalties provided under this section shall not take effect or be enforced until the rule containing the standard consent form has been adopted pursuant to subsection 3 of this section. ---------- (L. 2014 H.B. 1411) *Revisor's Note: The rule containing the standard consent form, 19 CSR 20-12.010, became effective April 30, 2015.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.675 - Transportation of an illegal alien — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.675. Transportation of an illegal alien — penalty. —1. A person commits the offense of transportation of an illegal alien if he or she knowingly transports, moves, or attempts to transport or move any illegal alien who is not lawfully present in the United States, according to the terms of 8 U.S.C. Section 1101, et seq., for the purposes of trafficking in violation of sections 566.200 to 566.215, drug trafficking in violation of sections 579.065 and 579.068, prostitution in violation of chapter 567, or employment. 2. The offense of transportation of an illegal alien is a class D felony. 3. Nothing in this section shall be construed to deny any victim of an offense under sections 566.200 to 566.215 of rights afforded by the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended. ---------- (L. 2008 H.B. 1549, et al. § 577.722, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.685 - Illegal reentry, offense of, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.685. Illegal reentry, offense of, penalty. —1. A person commits the offense of illegal reentry if he or she has been removed from the United States for any of the reasons listed under 8 U.S.C. Section 1326(b) and thereafter: (1) Illegally enters this state and commits a misdemeanor offense of assault or domestic assault under chapter 565, any dangerous felony offense as the term "dangerous felony" is defined in*section 556.061, any felony offense under chapter 579, with the exception of any offense involving the possession of marijuana, any offense under section 570.030, or any offense under section 570.217; or (2) Commits an offense in any other state that would be considered a misdemeanor offense of assault or domestic assault under chapter 565, any dangerous felony offense as the term "dangerous felony" is defined in section 556.061, any felony offense under chapter 579, with the exception of any offense involving the possession of marijuana, any offense under section 570.030, or any offense under section 570.217 under the laws of this state, and thereafter enters this state. 2. The offense of illegal reentry is a class C felony. ---------- (L. 2017 S.B. 34) *Word "in" does not appear in original rolls.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.700 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.700. Definitions. —As used in sections 577.700 to 577.718 and section 307.176*unless the context clearly requires otherwise, the following terms shall mean: (1)"Bus", any passenger bus or coach or other motor vehicle having a seating capacity of not less than fifteen passengers operated by a bus transportation company for the purpose of carrying passengers or cargo for hire, but not to include a bus or coach utilized exclusively to transport children to and from schools; (2)"Bus transportation company"or"company", any person, groups of persons or corporation providing for-hire transport to passengers or cargo by bus upon the highways of this state, whether in interstate or intrastate travel, but not to include a company utilizing buses transporting children to and from school. This term shall also include bus transportation facilities owned or operated by local public bodies, municipalities, public corporations, boards and commissions except school districts established under the laws of this state; (3)"Charter", a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with a bus transportation company's tariff, have acquired the exclusive use of a bus to travel together as a group to a specified destination; (4)"Passenger", any person served by the transportation company and, in addition to the ordinary meaning of passenger, this term

shall also include persons accompanying or meeting another who is transported by a company, any person shipping or receiving cargo; (5)"Terminal", a bus station or depot or any facility operated or leased by or operated on behalf of a bus transportation company, including a reasonable area immediately adjacent to any designated stop along the route traveled by any coach operated by a bus transportation company, and parking lots or parking areas adjacent to a terminal. ---------- (L. 1982 S.B. 519 § 1, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.300; Effective 1-01-17 *Section 307.176 was repealed by H.B. 1965, 2010.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.703 - Bus hijacking, penalty — assault with intent to commit bus hijacking, penalty, with a deadly weapon, penalty — possession and concealment of deadly weapon by passenger, penalty, exception.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.703. Bus hijacking, penalty — assault with intent to commit bus hijacking, penalty, with a deadly weapon, penalty — possession and concealment of deadly weapon by passenger, penalty, exception. —1. A person commits the offense of bus hijacking if he or she seizes or exercises control, by force or violence or threat of force or violence, of any bus. The offense of bus hijacking is a class B felony. 2. The offense of"assault with the intent to commit bus hijacking"is defined as an intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person. Assault to commit bus hijacking is a class D felony. 3. Any person, who, in the commission of such intimidation, threat, assault or battery with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony. 4. Any passenger who boards a bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his or her person or effects is guilty of the felony of"possession and concealment of a dangerous or deadly weapon"upon a bus. Possession and concealment of a dangerous and deadly weapon by a passenger upon a bus is a class D felony. The provisions of this subsection shall not apply to duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; nor shall the provisions of this subsection apply to persons who are in possession of weapons or other means of inflicting serious bodily injury with the consent of the owner of such bus, his or her agent, or the lessee or bailee of such bus. ---------- (L. 1982 S.B. 519 § 2, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.305; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.706 - Planting a bomb or explosive in or near a bus or terminal — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.706. Planting a bomb or explosive in or near a bus or terminal — penalties. —1. A person commits the offense of planting a bomb or explosive in or near a bus or terminal if he or she bombs, plants, or places any bomb or other explosive matter or thing in, upon, or near any terminal or bus, wherein a person or persons are located or being transported, or where there is being stored, shipped or prepared for shipment, any goods, wares, merchandise or anything of value. The offense of planting a bomb or explosive in or near a bus or terminal is a class A felony. 2. Any person who threatens to commit the offense of planting a bomb or explosive in or near a bus or terminal shall be guilty of a class D felony. 3. Any person who discharges any firearm or hurls any missile at, into, or upon any bus, terminal, or other transportation facility shall be guilty of a class B felony. ---------- (L. 1982 S.B. 519 § 3, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.310; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.709 - Vulgar or profane language — passenger under influence of alcohol or drugs, penalties, exceptions — driver may remove passenger from bus, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.709. Vulgar or profane language — passenger under influence of alcohol or drugs, penalties, exceptions — driver may remove passenger from bus, when. —1. It is unlawful, while on a bus, in the terminal, or on property contiguous thereto for any person: (1) To threaten a breach of the peace or use any obscene, profane, or vulgar language; (2) To be under the influence of alcohol, unlawfully under the influence of a controlled substance, to ingest or have in his possession any controlled substance unless properly prescribed by a physician or medical facility, or to drink intoxicating liquor of any kind in or upon any passenger bus except a chartered bus; (3) To fail to obey a reasonable request or order of a bus driver or any duly authorized company representative. 2. If any person shall violate any provision of this section, the driver of the bus, or person in charge thereof, may stop it at the place where the offense is committed, or at the next regular or convenient stopping place of the bus and require the person to leave the bus. 3. Violation of this section is a class C misdemeanor. ---------- (L. 1982 S.B. 519 § 4, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.315; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.712 - Refusal of admission to terminal — requests for identification or to leave terminal authorized, failure to comply, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.712. Refusal of admission to terminal — requests for identification or to leave terminal authorized, failure to comply, penalty. —1. In order to

provide for the safety, comfort, and well-being of passengers and others having a bona fide business interest in any terminal, a bus transportation company may refuse admission to terminals to any person not having bona fide business within the terminal. Any such refusal shall not be inconsistent or contrary to state or federal laws, regulations pursuant thereto, or to any ordinance of the political subdivision in which such terminal is located. A duly authorized company representative may ask any person in a terminal or on the premises of a terminal to identify himself or herself and state his or her business. Failure to comply with such request or failure to state an acceptable business purpose shall be grounds for the company representative to request that such person leave the terminal. Refusal to comply with such request shall constitute disorderly conduct. Disorderly conduct shall be a class C misdemeanor. 2. It is unlawful for any person to carry a deadly or dangerous weapon or any explosives or hazardous material into a terminal or aboard a bus. Possession of a deadly or dangerous weapon, explosive or hazardous material shall be a class D felony. Upon the discovery of any such item or material, the company may obtain possession and retain custody of such item or material until it is transferred to the custody of law enforcement officers. ---------- (L. 1982 S.B. 519 § 5, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.320; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.715 - Detention in terminal by security guard authorized — no criminal or civil liability, exception.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.715. Detention in terminal by security guard authorized — no criminal or civil liability, exception. —A duly authorized security guard may detain within the terminal any person committing an act declared unlawful by any provision of sections 577.700 to 577.718 and section 307.176*until law enforcement authorities arrive. Such detention shall not constitute unlawful imprisonment and neither the company nor such company representative personally shall be civilly or criminally liable upon grounds of unlawful imprisonment or assault providing that only reasonable force is exercised against any person so detained. ---------- (L. 1982 S.B. 519 § 6, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.325; Effective 1-01-17 *Section 307.176 was repealed by H.B. 1965, 2010.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.718 - Removal of baggage or cargo without owner's permission — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.718. Removal of baggage or cargo without owner's permission — penalty. —A person commits the offense of removal of baggage or cargo without the owner's permission if he or she removes any baggage, cargo or other item transported upon a bus or stored in a terminal without the consent of the owner of such property or the company, or its duly authorized representative. The actual value of an item removed is not material to the offense. The offense of removal of baggage or cargo without the owner's permission is a class E felony. ---------- (L. 1982 S.B. 519 § 7, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.330; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 577 - Public Safety OffensesSection 577.800 - Unlawful use of unmanned aircraft over open-air facility, offense of — permissible acts — violation, penalty — signage.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 577 577.800. Unlawful use of unmanned aircraft over open-air facility, offense of — permissible acts — violation, penalty — signage. —1. A person commits the offense of unlawful use of unmanned aircraft over an open-air facility if he or she purposely: (1) Operates an unmanned aircraft within a vertical distance of four hundred feet from the ground and within the property line of an open-air facility; or (2) Uses an unmanned aircraft with the purpose of delivering to a person within an open-air facility any object described in subdivision (1) or (2) of subsection 4 of this section. 2. For purposes of this section,"open-air facility"shall mean any sports, theater, music, performing arts, or other entertainment facility with a capacity of five thousand people or more and not completely enclosed by a roof or other structure. 3. The provisions of this section shall not prohibit the operation of an unmanned aircraft by: (1) An employee of an open-air facility at the direction of the president or chief executive officer of the open-air facility; (2) A person who has written consent from the president or chief executive officer of the open-air facility; (3) An employee of a law enforcement agency, fire department, or emergency medical service in the exercise of official duties; (4) A government official or employee in the exercise of official duties; (5) A public utility or a rural electric cooperative if: (a) The unmanned aircraft is used for the purpose of inspecting, repairing, or maintaining utility transmission or distribution lines or other utility equipment or infrastructure; (b) The utility or cooperative notifies the open-air facility before flying the unmanned aircraft, except during an emergency; and (c) The person operating the unmanned aircraft does not physically enter the prohibited space without an escort provided by the open-air facility; or (6) An employee of a railroad in the exercise of official duties on any land owned or operated by a railroad corporation regulated by the Federal Railroad Administration. 4. The offense of unlawful use of unmanned aircraft over an open-air facility shall be punishable as an*infraction unless the person uses an unmanned aircraft for: (1) Delivering a gun, knife, weapon, or other article that may be used in such manner to endanger the life of an employee or guest at an open-air facility, in which case the offense is a class B felony; or (2) Delivering a controlled substance, as that term is defined under section 195.010, in which case the offense is a class D felony. 5. Each open-air facility shall post a sign warning of the provisions of this section. The sign shall be at least eleven inches by fourteen inches and posted in a conspicuous place. ---------- (L. 2020 H.B. 1963) *Word "a" appears in original rolls.

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.005 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.005. Definitions. —As used in sections 578.005 to 578.023, the following terms shall mean: (1)"Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal; (2)"Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property; (3)"Animal", every living vertebrate except a human being; (4)"Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals; (5)"Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber; (6)"Farm animal professional", any individual employed at a location where farm animals are harbored; (7)"Harbor", to feed or shelter an animal at the same location for three or more consecutive days; (8)"Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed; (9)"Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal; (10)"Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity; (11)"Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri. ---------- (L. 1983 S.B. 211 § 1, A.L. 2012 S.B. 631)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.007 - Acts and facilities to which section 574.130 and sections 578.005 to 578.023 do not apply.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.007. Acts and facilities to which section 574.130 and sections 578.005 to 578.023 do not apply. —The provisions of section 574.130 and sections 578.005 to 578.023 shall not apply to: (1) Care or treatment performed by a licensed veterinarian within the provisions of chapter 340; (2) Bona fide scientific experiments; (3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and privileges as allowed under the Missouri Wildlife Code; (4) Facilities and publicly funded zoological parks currently in compliance with the federal "Animal Welfare Act" as amended; (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association; (6) The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof; (7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official; (8) With respect to farm animals, normal or accepted practices of animal husbandry; (9) The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal, but this exemption shall not include the killing or injuring of a law enforcement animal while working; (10) The killing of house or garden pests; or (11) Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri. ---------- (L. 1983 S.B. 211 § 2, A.L. 2016 H.B. 2332, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.009 - Animal neglect — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.009. Animal neglect — penalties. —1. A person commits the offense of animal neglect if he or she: (1) Has custody or ownership of an animal and fails to provide adequate care; or (2) Knowingly abandons an animal in any place without making provisions for its adequate care. 2. The offense of animal neglect is a class C misdemeanor unless the person has previously been found guilty of an offense under this section, or an offense in another jurisdiction which would constitute an offense under this section, in which case it is a class B misdemeanor. 3. All fines and penalties for a first finding of guilt under this section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This section shall not apply to the provisions of section 578.007 or chapter 272. 4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses necessary for: (1) The care and maintenance of neglected animals within the person's custody or ownership; (2) The disposal of any dead or diseased animals within the person's custody or ownership; (3) The reduction of resulting organic debris affecting the immediate area of the neglect; and (4) The avoidance or minimization of any public health risks created by the neglect of the animals. ---------- (L. 1983 S.B. 211 § 3, A.L. 1994 S.B. 545, A.L. 1998 S.B. 596, A.L. 2013 S.B. 9, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.011 - Animal trespass, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 *578.011. Animal trespass, penalty. —1. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve hours. 2. Animal trespass is an infraction upon first conviction and for each offense punishable by a fine not to exceed two hundred dollars, and a class C misdemeanor punishable by imprisonment or a fine not to exceed five hundred dollars, or both, upon the second and all subsequent convictions. All fines for a first conviction of animal trespass may be waived by the court provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370. ---------- (L. 2013 S.B. 9) *Effective 10-11-13, see § 21.250. S.B. 9 was vetoed July 2, 2013. The veto was overridden on September 11, 2013.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.012 - Animal abuse — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.012. Animal abuse — penalties. —1. A person commits the offense of animal abuse if he or she: (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030; (2) Purposely or intentionally causes injury or suffering to an animal; or (3) Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal. 2. Animal abuse is a class A misdemeanor, unless the defendant has previously been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation consciously inflicted while the animal was alive, in which case it is a class E felony. ---------- (L. 1983 S.B. 211 § 4, A.L. 1994 S.B. 545, A.L. 1996 S.B. 491, A.L. 2001 S.B. 462, A.L. 2013 S.B. 9, A.L. 2014 S.B. 491) Effective 1-01-17 (1989) "Willfully" is an essential element of the offense of animal abuse and distinguishes it from the offense of animal neglect. State v. Price, 772 S.W.2d 9. (Mo.App.E.D.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.013 - Recordings of farm animals alleged to be abused or neglected, submission to law enforcement required — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.013. Recordings of farm animals alleged to be abused or neglected, submission to law enforcement required — violation, penalty. —1. Whenever any farm animal professional videotapes or otherwise makes a digital recording of what he or she believes to depict a farm animal subjected to abuse or neglect under sections 578.009 or 578.012, such farm animal professional shall have a duty to submit such videotape or digital recording to a law enforcement agency within twenty-four hours of the recording. 2. No videotape or digital recording submitted under subsection 1 of this section shall be spliced, edited, or manipulated in any way prior to its submission. 3. An intentional violation of any provision of this section is a class A misdemeanor. ---------- (L. 2012 S.B. 631)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.014 - Responsibility of parent or guardian of minor owning.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.014. Responsibility of parent or guardian of minor owning. —The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child. ---------- (L. 1983 S.B. 211 § 5)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.016 - Impoundment of animal found off property of owner or custodian, disposition, procedure — liability of owner or custodian for costs — lien — rights of owner or custodian.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.016. Impoundment of animal found off property of owner or custodian, disposition, procedure — liability of owner or custodian for costs — lien — rights of owner or custodian. —1. Any duly authorized public health official, law enforcement official, or animal control officer may impound any animal found outside of the owned or rented property of the owner or custodian of such animal when such animal shows evidence of neglect or abuse. Any animal impounded pursuant to this section shall be: (1) If the owner can be ascertained and the animal is not diseased or disabled beyond recovery for any useful purpose, held for recovery by the owner. The owner shall be notified within five business days of impoundment by phone or by mail of the animal's location and recovery procedures. The animal shall be held for ten business days. An animal unclaimed after ten business days may be put up for adoption or humanely killed; (2) Placed in the care or custody of a veterinarian, the appropriate animal control authority or animal shelter. The animal shall not be disposed of, unless diseased or disabled beyond recovery for any useful purpose, until after expiration of a

minimum of five business days, during which time the public shall have clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours. After five business days, the animal may be put up for adoption or humanely killed; or (3) If diseased or disabled beyond recovery for any useful purpose as determined by a public health official, law enforcement official, veterinarian or animal control officer, humanely killed. 2. The owner or custodian of an animal impounded pursuant to this section shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid and may put up for adoption or humanely kill any animal if such costs are not paid within ten days after demand. Any moneys received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal. 3. The owner or custodian of any animal killed pursuant to this section shall be entitled to recover the actual value of the animal up to but not to exceed six hundred dollars if the owner or custodian shows that such killing was unwarranted. ---------- (L. 1983 S.B. 211 § 6)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.018 - Warrant for entry on private property to inspect — impoundment of animals, disposition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.018. Warrant for entry on private property to inspect — impoundment of animals, disposition. —1. Any duly authorized public health official or law enforcement official may seek a warrant from the appropriate court to enable him or her to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to 578.023 has occurred. A person acting under the authority of a warrant shall: (1) Be given a disposition hearing before the court through which the warrant was issued, within thirty days of the filing of the request for the purpose of granting immediate disposition of the animals impounded; (2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose; (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose; (4) Not be liable for any necessary damage to property while acting under such warrant. 2. The owner or custodian or any person claiming an interest in any animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care and keeping for at least thirty days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact that bond may be posted pursuant to this subsection, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses are covered by the bond or security, unless there is a court order prohibiting such disposition. Such order shall provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping or disposal of the animal. The authority taking custody of an animal shall give notice of the provisions of this section by posting a copy of this section at the place where the animal was taken into custody or by delivering it to a person residing on the property. 3. The owner or custodian of any animal humanely killed pursuant to this section shall not be entitled to recover any damages related to nor the actual value of the animal if the animal was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian failed to post bond or security for the care, keeping and disposition of the animal after being notified of impoundment. ---------- (L. 1983 S.B. 211 § 7, A.L. 1993 S.B. 180, A.L. 2014 S.B. 491) Effective 1-01-17 (2005) Section authorizing impoundment of abused or neglected animals is not unconstitutionally vague or a violation of equal protection. State ex rel. Zobel v. Burrell, 167 S.W.3d 688 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.021 - Neglected or abused animal not to be returned to owner or custodian, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.021. Neglected or abused animal not to be returned to owner or custodian, when. —If a person is found guilty of the offense of animal neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the court. ---------- (L. 1983 S.B. 211 § 8, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.022 - Law enforcement dogs, exempt from certain laws, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.022. Law enforcement dogs, exempt from certain laws, when. —Any dog that is owned, or the service of which is employed, by a law enforcement agency and that bites or injures another animal or human in the course of their official duties is exempt from the provisions of sections 273.033, 273.036, 578.012, and 578.024. ---------- (L. 2009 H.B. 62, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.023 - Keeping a dangerous wild animal — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.023. Keeping a dangerous wild animal — penalty. —1. A person commits the offense of keeping a dangerous wild animal if he or she keeps any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless he or she has registered such animals with the local law enforcement agency in the county in which the animal is kept. 2. The offense of keeping a dangerous wild animal is a class C misdemeanor. ---------- (L. 1983 S.B. 211 § 9, A.L. 2001 S.B. 462, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.024 - Keeping a dangerous dog — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.024. Keeping a dangerous dog — penalties. —1. A person commits the offense of keeping a dangerous dog if he or she owns or possesses a dog that has previously bitten a person or a domestic animal without provocation and that dog bites any person on a subsequent occasion. 2. The offense of keeping a dangerous dog is a class B misdemeanor, unless such attack: (1) Results in serious injury to any person, in which case, it is a class A misdemeanor; or (2) Results in serious injury to any person and any previous attack also resulted in serious injury to any person, in which case, it is a class E felony; or (3) Results in the death of any person, in which case, it is a class D felony. 3. In addition to the penalty included in subsection 2 of this section, if any dog that has previously bitten a person or a domestic animal without provocation bites any person on a subsequent occasion or if a dog that has not previously bitten a person attacks and causes serious injury to or the death of any human, the dog shall be seized immediately by an animal control authority or by the county sheriff. The dog shall be impounded and held for ten business days after the owner or possessor is given written notification and thereafter destroyed. 4. The owner or possessor of the dog that has been impounded may file a written appeal to the circuit court to contest the impoundment and destruction of such dog. The owner or possessor shall provide notice of the filing of the appeal to the animal control authority or county sheriff who seized the dog. If the owner or possessor files such an appeal and provides proper notice, the dog shall remain impounded and shall not be destroyed while such appeal is pending and until the court issues an order for the destruction of the dog. The court shall hold a disposition hearing within thirty days of the filing of the appeal to determine whether such dog shall be humanely destroyed. The court may order the owner or possessor of the dog to pay the costs associated with the animal's keeping and care during the pending appeal. 5. Notwithstanding any provision of sections 273.033 and 273.036, section 578.022 and this section to the contrary, if a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner or possessor is not guilty of any crime specified under this section or section 273.036, and is not civilly liable under this section or section 273.036, nor shall such dog be destroyed as provided in subsection 3 of this section, nor shall such person engaged in or attempting to engage in a criminal activity at the time of the attack be entitled to the defenses set forth in section 273.033. For purposes of this section"criminal activity"shall not include the act of trespass upon private property under section 569.150 as long as the trespasser does not otherwise engage in, attempt to engage in, or have intent to engage in other criminal activity nor shall it include any trespass upon private property by a person under the age of twelve under section 569.140. ---------- (L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.025 - Dogfighting — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.025. Dogfighting — penalty. —1. A person commits the offense of dogfighting if he or she: (1) Owns, possesses, keeps, or trains any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog; (2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other; or (3) Permits any act as described in subdivision (1) or (2) of this subsection to be done on any premises under his or her charge or control, or aids or abets any such act. 2. The offense of dogfighting is a class E felony. ---------- (L. 1984 H.B. 1210 § 1, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.026 - Spectating dog fighting — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.026. Spectating dog fighting — penalty. —1. A person commits the offense of spectating dogfighting if he or she is knowingly present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subdivision (2) of subsection 1 of section 578.025, with the intent to be present at such exhibition, fighting, or injuring. 2. The offense of spectating dogfighting is a class A misdemeanor. 3. Nothing in this section shall be construed to prohibit: (1) The use of dogs in the management of livestock by the owner of such livestock, his or her employees or agents, or other persons in lawful custody of such livestock; (2) The use of dogs in hunting; or (3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law. ---------- (L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.027 - Causing a dog to pursue a live animal propelled by a device — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.027. Causing a dog to pursue a live animal propelled by a device — penalty. —1. A person commits the offense of causing a dog to pursue a live animal propelled by a device if he or she ties or attaches or fastens any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. 2. The offense of causing a dog to pursue a live animal propelled by a device is a class A misdemeanor. ---------- (L. 1984 H.B. 1210 § 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.028 - Unlawful removal of an electronic dog collar or radio transmitting device — penalty — restitution.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.028. Unlawful removal of an electronic dog collar or radio transmitting device — penalty — restitution. —1. A person commits the offense of unlawful removal of an electronic dog collar or radio transmitting device if he or she removes an electronic or radio transmitting collar from a dog without the permission of the owner of the dog with the intent to prevent or hinder the owner from locating the dog. 2. The offense of unlawful removal of an electronic dog collar or radio transmitting device is a class A misdemeanor. The court shall order any person found guilty under this section to pay as restitution the actual value of any dog lost or killed as a result of such removal. The court may also order restitution to the owner for any lost breeding revenues. ---------- (L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.029 - Knowingly releasing an animal — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.029. Knowingly releasing an animal — penalty. —1. A person commits the offense of knowingly releasing an animal if he or she, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes. 2. As used in this section"animal"means every living creature, domesticated or wild, but not including Homo sapiens. 3. The provisions of this section shall not apply to a public servant acting in the course of such servant's official duties. 4. The offense of intentionally releasing an animal is a class B misdemeanor, unless the defendant has previously been found guilty of a violation under this section, in which case it is a class E felony. ---------- (L. 2001 S.B. 462, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.030 - State highway patrol and other law enforcement officers, powers and duties to enforce animal protection.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.030. State highway patrol and other law enforcement officers, powers and duties to enforce animal protection. —1. The provisions of section 43.200 notwithstanding, any member of the state highway patrol or other law enforcement officer may apply for and serve a search warrant, and shall have the power of search and seizure in order to enforce the provisions of sections 578.025 to 578.050. 2. Any member of the state highway patrol or other law enforcement officer making an arrest under section 578.025 shall lawfully take possession of all dogs or other animals and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of section 578.025. Such officer, after taking possession of such dogs, animals, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of section 578.025. He or she shall thereupon deliver the property so taken to the court, which shall, by order in writing, place the same in the custody of an officer or other proper person named and designated in such order, to be kept by him or her until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the prosecuting attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged, such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof. ---------- (L. 1984 H.B. 1210 §§ 2, 4, A.L. 2014 S.B. 491) Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.050 - Bullbaiting and cockfighting — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.050. Bullbaiting and cockfighting — penalty. —1. A person commits the offense of bullbaiting or cockfighting if he or she: (1) Keeps, uses, or in any way is connected with or interested in the management of, or receives money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock, or other creature, except dogs; (2) Encourages, aids, assists, or is present at any place kept or used for such purpose; or (3) Permits or suffers any place belonging to him or her, or under his or her control, to be so kept or used. 2. The offense of bullbaiting or cockfighting is a class A misdemeanor. ---------- (RSMo 1939 § 4789, A.L. 1984 H.B. 1210, A.L. 2014 S.B. 491) Prior revisions: 1929 § 4397; 1919 § 3653; 1909 § 4857 Effective 1-01-17 (1985) Held, section 578.050, RSMo, is unconstitutionally vague and contravenes the due process clause of Amendments V and XIV of the United States Constitution and Article I, Section 10 of the Missouri Constitution. State v. Young, 695 S.W.2d 882. (Mo. banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.095 - Desecration of flags — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.095. Desecration of flags — penalty. —1. A person commits the offense of desecrating a flag if he or she purposefully and publicly mutilates, defaces, defiles, tramples upon or otherwise desecrates the national flag of the United States or the state flag of the state of Missouri. 2. The offense of desecrating a flag is a class A misdemeanor. ---------- (L. 1980 H.B. 965 § 1, A.L. 2014 S.B. 491) Effective 1-01-17 (2014) Section is overbroad and is facially unconstitutional under the First Amendment. Snider v. City of Cape Girardeau, 752 F.3d 1149 (8th Cir.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.100 - Selling goods on Sunday, penalty — certain counties may be exempted from prohibition — procedure — duty of revisor of statutes.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.100. Selling goods on Sunday, penalty — certain counties may be exempted from prohibition — procedure — duty of revisor of statutes. —1. Whoever engages on Sunday in the business of selling or sells or offers for sale on such day, at retail, motor vehicles; clothing and wearing apparel; clothing accessories; furniture; housewares; home, business or office furnishings; household, business or office appliances; hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches; clocks; luggage; musical instruments and recordings or toys; excluding novelties and souvenirs; is guilty of a misdemeanor and shall upon conviction for the first offense be sentenced to pay a fine of not exceeding one hundred dollars, and for the second or any subsequent offense be sentenced to pay a fine of not exceeding two hundred dollars or undergo confinement not exceeding thirty days in the county jail in default thereof. 2. Each separate sale or offer to sell shall constitute a separate offense. 3. Information charging violations of this section shall be brought within five days after the commission of the alleged offense and not thereafter. 4. The operation of any place of business where any goods, wares or merchandise are sold or exposed for sale in violation of this section is hereby declared to be a public and common nuisance. 5. Any county of this state containing all or part of a city with a population of over four hundred thousand may exempt itself from the application of this section by submission of the proposition to the voters of the county at a general election or a special election called for that purpose, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of this section shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of submission shall contain, but not be limited to, the following language: --If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of this section shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of this section shall continue to apply and be enforced within that county. The exemption of any county from the provisions of this section shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of this section in the Missouri revised statutes. 6. In addition to any other method of exemption provided by law, the governing body of any county of this state may exempt itself from the application of this section by order or ordinance of the governing body of the county after public hearing upon the matter. Such public hearing shall be preceded by public notice which shall, at a minimum, be published at least three different times in the newspaper with the greatest circulation in the county. Upon such order or ordinance becoming effective, such county shall be exempt from the provisions of this section and no election or other method of exemption shall be required. The exemption of any county from the provisions of this section by order or ordinance shall not become effective in that county until the order or ordinance has been filed with the secretary of state and the revisor of statutes and has been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions

of this section in the Missouri revised statutes. ---------- (L. 1963 p. 685 § 1, A.L. 1977 H.B. 21, A.L. 1993 S.B. 157 & 29 merged with S.B. 180) Revisor's Note: At 8:45 a.m., November 10, 1977, results of elections held in Jackson, Clay and Platte counties were filed with the Revisor's office showing that the electors of each of the counties of Jackson, Clay and Platte have voted to exempt each of these counties from the provisions of this section. (1964) Sunday sales law upheld against charge that it was unconstitutional as being a special law, containing unreasonable, arbitrary and discriminatory classifications in violation of plaintiffs' right to equal rights and opportunities under the law; and depriving plaintiffs of liberty and property without due process of law. GEM Stores, Inc. v. O'Brien (Mo.), 374 S.W.2d 109. (1964) Constitutionality of Sunday sales act upheld against the charge that it is so vague and indefinite that citizens cannot ascertain or be informed of its meaning contrary to the due process provision of Art. I, § 10 of the constitution, and in violation of the right of a person accused in a criminal proceeding to demand the nature and cause of the accusation against him as provided by Art. I, § 18(a) of the constitution. State ex rel. Eagleton v. McQueen (Mo.), 378 S.W.2d 449. (1973) Held, retail furniture store which was open to public on Sunday but which did not sell or offer to sell or reserve merchandise for later sale was not in violation of statute prohibiting the sale of restricted items on Sunday. State ex rel. McNary v. Levitz Furniture Co. of Missouri, Inc., (A.), 502 S.W.2d 370.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.105 - Additional counties may be exempted from provisions of section 578.100, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.105. Additional counties may be exempted from provisions of section 578.100, procedure. —If any county of the first class having a charter form of government containing the major portion of a city of over four hundred fifty thousand inhabitants exempts itself from the application of section 578.100 by a vote of the voters of the county pursuant to provisions of law permitting such vote, then a county in the following classification may also exempt itself from the application of section 578.100: Any county of the second class as of 1977 that is adjacent to any county containing a portion of a city with a population of more than four hundred thousand inhabitants in the 1970 census. The county may exempt itself from the provisions of section 578.100 by submission of the proposition to the voters of the county at a general election or a primary election, and the proposition receiving a majority of the votes cast therein. The proposal to exempt the county from the provisions of section 578.100 shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposal to the voters and signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. The ballot of submission shall contain, but not be limited to, the following language: --If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, then the provisions of section 578.100 shall no longer apply within that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to the proposal, then the provisions of section 578.100 shall continue to apply and be enforced within that county. The exemption of any county from the provisions of section 578.100 shall not become effective in that county until the results of the vote exempting the county have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties are exempt from the provisions of section 578.100 in the Missouri revised statutes. ---------- (L. 1978 H.B. 1043 § 1) Revisor's Note: On November 9, 1978, the results of the election held in Buchanan County on November 7, 1978, were filed with the Revisor's office showing that the electors of Buchanan County had voted to exempt that county from the provisions of this section. On April 6, 1979, the results of the election held in Cass County on November 7, 1978, were filed with the Revisor's office showing that the electors of Cass County had voted to exempt that county from the provisions of this section.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.106 - City of St. Louis, certain areas, may be exempt from Sunday sales law, procedure — exception — limitation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.106. City of St. Louis, certain areas, may be exempt from Sunday sales law, procedure — exception — limitation. —1. The governing body of any city not within a county may, by ordinance, exempt areas of the city located within two thousand five hundred yards of a convention center owned by the city or within two thousand five hundred yards of a municipal auditorium owned by the city, or either of such areas, or parts of either or both of such areas, from the application of section 578.100. The ordinance of exemption shall specifically define the area or areas to be exempted and upon passage of such ordinance and filing with the secretary of state and the revisor of statutes, the provisions of section 578.100 shall no longer apply within the designated area or areas of the city but shall continue to apply and be enforced in all parts of the city not included within the designated area or areas. However, the sale of automobiles shall not be permitted within the exempted area or areas. The governing body of any city adopting an ordinance pursuant to this section shall file a copy of such ordinance with the secretary of state and with the revisor of statutes and such officer shall certify the receipt of the ordinance. The revisor of statutes shall note in the Missouri revised statutes that an area or areas of the named city are exempt from the provisions of section 578.100. 2. Following the effective date of any exemption adopted pursuant to subsection 1 of this section, no person who leases any structure, or portion thereof, within the area to which such exemption applies to any person engaged in selling merchandise at retail, may include in the lease, contract, or other document governing such lease any provision which would, directly or indirectly, require the lessee to open his business to the general public on Sundays. 3.

Following the effective date of any exemption adopted pursuant to subsection 1 of this section, no lease, contract, or other document governing the lease of any structure, or portion thereof, to any person engaged in selling merchandise at retail, which was in effect prior to the date of such exemption shall be interpreted to require the lessee to open his business to the general public on Sundays if the lessee was not required to open his business to the general public at the time he signed such lease, contract, or other document. 4. If any portion of this section is found by a court of competent jurisdiction to be unconstitutional, all remaining portions of this section shall remain valid unless the court finds that the valid provisions of this section are so essentially and inseparably connected with the invalid provision that they cannot stand alone. ---------- (L. 1983 S.B. 391) Revisor's Note: On October 6, 1983, the ordinance passed by the Board of Aldermen of the City of St. Louis on October 5, 1983, was filed with the Revisor's office. The ordinance defined the area of that city to be exempted from the provisions of section 578.100.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.110 - Counties may be exempted from provisions of section 578.100, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.110. Counties may be exempted from provisions of section 578.100, procedure. —1. As used in this section, the term"area"includes all cities not within a county, all first class counties having a charter form of government and adjoining such cities not within a county and all first class counties which adjoin such first class counties having a charter form of government and adjoining cities not within a county; and the term"county"means any county of this state not within an area. 2. In addition to the counties which may exempt themselves from the application of section 578.100, under the provisions of section 578.100 or section 578.105, any other county or area may also exempt itself from the application of section 578.100 by a vote of the qualified voters of the county or area; provided that, before any area may so exempt itself from the provisions of section 578.100, the qualified voters of each city not within a county and each county within such area shall vote on the proposal for exemption from the provisions of section 578.100 at the same election and a majority of the total votes cast in such area shall be in favor of the proposal before either such city or any of such counties may be exempted from the provisions of section 578.100. 3. In order to exempt itself from the provisions of section 578.100, the county or area shall submit the proposition to the voters of the county or area at any election, and the proposition shall receive a majority of the votes cast. The proposition to exempt the county from the provisions of section 578.100 shall be submitted to the voters of the county upon a majority vote of the governing body of the county or when a petition requesting the submission of the proposition to the voters and signed by a number of registered voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election is filed with the governing body of the county. When a petition signed by a number of registered voters residing in the area equal to eight percent of the votes cast in the area in the next preceding gubernatorial election requesting the submission of a proposition to exempt the area from the provisions of section 578.100 is filed with each of the governing bodies of the area, the proposition shall be submitted to the voters of the area. The ballot of submission shall contain, but need not be limited to, the following language: --If a majority of the votes cast on the proposal by the registered voters voting thereon in the county or area are in favor of the proposal, then the provisions of section 578.100 shall no longer apply within that county or area. If a majority of the votes cast on the proposal by the registered voters voting thereon in the county or area are opposed to the proposal, then the provisions of section 578.100 shall continue to apply and be enforced within that county or area. The exemption of the county or area from the provisions of section 578.100 shall not become effective in that county or area until the results of the vote exempting the county or area have been filed with the secretary of state and with the revisor of statutes and have been certified as received by those officers. The revisor of statutes shall note which counties or areas are exempt from the provisions of section 578.100 in the Missouri revised statutes. ---------- (L. 1979 H.B. 56 § 1) Revisor's Note: Electors in the following counties have voted to exempt those counties from the provisions of section 578.100 (Sunday Sales Law) and have filed the results on the date indicated: (1980) Portions of statute providing procedure for exemption from "Sunday Sales Law" which treated first class counties by "area" were unconstitutional in that they treated first class counties in an "area" differently from a first class county not in an "area" and not covered by special legislation applicable to other first class counties. Gramex Corp. v. Von Romer (Mo.), 603 S.W.2d 521. (1980) After eliminating unconstitutional "area" method of exemption remainder of statute was severable and valid. Gramex Corp. v. Von Romer (Mo.), 603 S.W.2d 521.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.115 - No penalty, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.115. No penalty, when. —No person may be denied employment or advancement in employment because of his or her refusal to work on his or her normal day of worship. ---------- (L. 1979 H.B. 56 § 2)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.120 - Sale of motor vehicles on Sunday prohibited, exceptions — encouragement by certain associations to remain closed on Sundays not a violation of antitrust laws — violations, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.120. Sale of motor vehicles on Sunday prohibited, exceptions — encouragement by certain associations to remain closed on Sundays not a violation of antitrust laws — violations, penalty. —1. Notwithstanding any provision in this chapter to the contrary, no dealer, distributor or manufacturer licensed under section 301.559 may keep open, operate, or assist in keeping open or operating any

established place of business for the purpose of buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle, whether new or used, on Sunday. However, this section does not apply to the sale of manufactured housing; the sale of recreational motor vehicles; the sale of motorcycles as that term is defined in section 301.010; the sale of motortricycles, motorized bicycles, electric bicycles as defined in section 300.010, all-terrain vehicles, recreational off-highway vehicles, utility vehicles, personal watercraft, or other motorized vehicles customarily sold by powersports dealers licensed pursuant to sections 301.550 to 301.560; washing, towing, wrecking or repairing operations; the sale of petroleum products, tires, and repair parts and accessories; or new vehicle shows or displays participated in by five or more franchised dealers or in towns or cities with five or fewer dealers, a majority. 2. No association consisting of motor vehicle dealers, distributors or manufacturers licensed under section 301.559 shall be in violation of antitrust or restraint of trade statutes under chapter 416 or regulation promulgated thereunder solely because it encourages its members not to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or exchanging any motor vehicle. 3. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor. ---------- (L. 1985 H.B. 154 §§ 1, 2, A.L. 1986 H.B. 1153, A.L. 1988 H.B. 1512, A.L. 2014 H.B. 1735 & 1618, A.L. 2021 S.B. 176)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.151 - Interference with lawful hunting, fishing or trapping in the first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.151. Interference with lawful hunting, fishing or trapping in the first degree — penalty. —1. It is the intent of the general assembly of the state of Missouri to recognize that all persons shall have the right to hunt, fish and trap in this state in accordance with law and the rules and regulations made by the commission as established in Article IV of the Constitution of Missouri. 2. A person commits the offense of interference with hunting, fishing, or trapping in the first degree if he or she intentionally interferes with the lawful taking of wildlife by another. 3. It shall be considered a violation of this section to intentionally harass, drive, or disturb any game animal or fish for the purpose of disrupting lawful hunting, fishing or trapping. 4. The offense of interference with lawful hunting, fishing or trapping in the first degree is a class A misdemeanor. ---------- (L. 1988 S.B. 434 & 435 § 1, A.L. 1997 H.B. 304, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.152 - Interference with lawful hunting, fishing or trapping in the second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.152. Interference with lawful hunting, fishing or trapping in the second degree — penalty. —1. A person commits the offense of interference with hunting, fishing, or trapping in the second degree if he or she enters or remains in a hunting, fishing or trapping area where lawful hunting, fishing or trapping may occur with the intent to interfere with the lawful taking of wildlife. 2. The offense of interference with lawful hunting, fishing, or trapping in the second degree is a class B misdemeanor. ---------- (L. 1988 S.B. 434 & 435 § 2, A.L. 1997 H.B. 304, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.153 - Peace officer's and conservation agent's powers to enforce — failure to obey peace officer or conservation agent, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.153. Peace officer's and conservation agent's powers to enforce — failure to obey peace officer or conservation agent, penalty. —1. A peace officer as defined by chapter 590 who reasonably believes that a person has violated section 578.151 or 578.152 may order the person to desist. The offense of failure to obey the order of a peace officer to desist from conduct in violation of sections 578.151 and 578.152 is a class A misdemeanor. 2. Any law enforcement officer shall and any agent of the conservation commission may enforce the provisions of sections 578.151, 578.152 and this section and arrest violators of such sections. 3. The conduct declared unlawful by sections 578.151 and 578.152 shall not include any lawful activity by the landowner or persons in lawful possession of the land. ---------- (L. 1988 S.B. 434 & 435 § 3, A.L. 1997 H.B. 304, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.156 - Interference with the transportation of livestock, offense of — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.156. Interference with the transportation of livestock, offense of — penalties. —1. A person commits the offense of interference with the transportation of livestock if the person knowingly does any of the following: (1) Stops, hinders, impedes, boards, obstructs, or otherwise interferes with a motor vehicle transporting livestock regardless of whether the motor vehicle is moving; (2) Provokes or disturbs livestock when the livestock is confined in a motor vehicle regardless of whether the motor vehicle is moving; or (3) Puts or places a compound or substance on, near, or upon such livestock that would: (a) Affect the livestock's marketability or suitability for use; (b) Affect animal or human health; or (c) Result in an unreasonable transportation or shipping delay. 2. The offense of interference with the transportation of livestock is a class E felony for a first offense and a class C felony for any second or subsequent offense. 3. In a prosecution alleging that a person committed the offense of interference with the transportation of

livestock under subsection 1 of this section, the person may assert an affirmative defense of consent. The person shall prove by a preponderance of the evidence that the person was acting with the consent of any of the following: (1) A person having real or apparent authority to transport the livestock; or (2) The owner of the livestock or any other person having real or apparent authority to possess or control the livestock. 4. The provisions of this section shall not apply to any enforcement action or services provided by a law enforcement officer or agency or an employee or agent of the department of agriculture acting under section 267.645. 5. As used in this section, the following terms mean: (1)"Livestock", as defined under section 265.300; (2)"Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks and an item attached to the motor vehicle. "Motor vehicle" shall not include farm tractors and electric bicycles. ---------- (L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.170 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.170. Definitions. —Definitions. As used in sections 578.170 to 578.188, the following terms mean: (1)"Animal,"every living vertebrate except a human being; (2)"Baiting,"to attack, provoke, or harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with other animals for the purpose of amusement, entertainment, wagering or gain; (3)"Bear wrestling,"a contest of fighting or physical altercation between one or more persons and a bear for the purpose of amusement, entertainment, wagering or gain; (4)"Person,"any individual, partnership, firm, joint stock company, corporation, association, other business unit, society, trust, estate or other legal entity, or any public or private institution. ---------- (Adopted by Initiative, Proposition A, § A, November 3, 1998) (2000) Proposition A did not violate constitutional requirements of single subject and clear title. United Gamefowl Breeders Ass'n. of Missouri v. Nixon, 19 S.W.3d 137 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.173 - Baiting or fighting animals — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.173. Baiting or fighting animals — penalty. —1. A person commits the offense of baiting or fighting animals if he or she: (1) Baits or fights animals; (2) Permits baiting or animal fighting to be done on any premises under his or her charge or control; (3) Promotes, conducts, or stages a baiting or fight between two or more animals; (4) Advertises a baiting or fight between two or more animals; (5) Collects any admission fee for a baiting or fight between two or more animals; (6) Knowingly attends the baiting or fighting of animals; (7) Knowingly sells, offers for sale, ships, or transports any animal which has been bred or trained to bait or fight another animal; (8) Owns or possesses any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock; or (9) Manufactures, sells, barters, or exchanges any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock. 2. The offense of baiting or fighting animals is a class E felony. ---------- (Adopted by Initiative, Proposition A, § B, November 3, 1998, A.L. 2014 S.B. 491) Effective 1-01-17 (2000) Proposition A did not violate constitutional requirements of single subject and clear title. United Gamefowl Breeders Ass'n. of Missouri v. Nixon, 19 S.W.3d 137 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.176 - Bear wrestling — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.176. Bear wrestling — penalty. —1. A person commits the offense of bear wrestling if he or she: (1) Wrestles a bear; (2) Permits bear wrestling to be done on any premises under his or her charge or control; (3) Promotes, conducts, or stages bear wrestling; (4) Advertises bear wrestling; (5) Collects any admission fee for bear wrestling; (6) Purchases, sells, or possesses a bear which he or she knows will be used for bear wrestling; (7) Trains a bear for bear wrestling; (8) Subjects a bear to surgical alteration for bear wrestling. 2. The offense of bear wrestling is a class A misdemeanor. ---------- (Adopted by Initiative, Proposition A, § C, November 3, 1998, A.L. 2014 S.B. 491) Effective 1-01-17 (2000) Proposition A did not violate constitutional requirements of single subject and clear title. United Gamefowl Breeders Ass'n. of Missouri v. Nixon, 19 S.W.3d 137 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.179 - Seizure and disposition of animals.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.179. Seizure and disposition of animals. —Procedure. — Whenever an indictment is returned or a complaint is filed alleging a violation of section 578.173 or 578.176 and, in the case of a complaint, a magistrate finds probable cause that a violation has occurred, the court shall order the animals seized and shall provide for appropriate and humane care or disposition of the animals pursuant to section 578.018. This provision shall not be construed as a limitation on the power to seize animals as evidence at the time of arrest. ---------- (Adopted by Initiative, Proposition A, § D, November 3, 1998)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.182 - Exemptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.182. Exemptions. —Exemptions. — 1. The provisions of sections 578.173 and 578.176 shall not apply to: (1) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture production or a motion picture production for television, provided sections 578.009 and 578.012 are not violated; (2) Any person selling, offering for sale, shipping, transporting or using any animal, for the sole purpose of tracking, pursuing or taking wildlife, or to participate in any hunting, fishing or any other activity regulated by the Missouri wildlife code; (3) Any person using animals to herd, work or identify livestock for agricultural purposes according to recognized animal husbandry. 2. Nothing in the provisions of sections 578.170, 578.173, and 578.176 shall be construed to: (1) Prohibit breeding, rearing or slaughtering poultry pursuant to the provisions of chapters 196, 262, 265, 276 and 277; (2) Prohibit breeding or rearing game fowl when the game fowl are not intended for use in violation of the provisions of sections 578.170, 578.173 or 578.176; (3) Prohibit professional or amateur rodeo practices, and skill events when the practices and skill events are not intended for use in violation of the provisions of sections 578.170, 578.173 and 578.176. ---------- (Adopted by Initiative, Proposition A, § E, November 3, 1998, A.L. 1999 H.B. 79) Effective 6-29-99

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.185 - Injunction.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.185. Injunction. —Injunction. — A court of competent jurisdiction may enjoin a person from a continuing violation of section 578.173 or 578.176. ---------- (Adopted by Initiative, Proposition A, § F, November 3, 1998)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.188 - Severability.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.188. Severability. —Severability. — The provisions of sections 578.170, 578.173, 578.176, 578.179, 578.182, and 578.185 are hereby declared to be severable. If any of these provisions, or the application of any of these provisions to any person or circumstance, is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of these sections. ---------- (Adopted by Initiative, Proposition A, § G, November 3, 1998)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.350 - Medical deception — penalty — immunity, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.350. Medical deception — penalty — immunity, when. —1. A person licensed under chapter 334 or 335 who treats a person for a wound inflicted by gunshot commits the infraction of medical deception if he or she knowingly fails to immediately report to a local law enforcement official the name and address of the person, if known, and if unknown, a description of the person, together with an explanation of the nature of the wound and the circumstances under which the treatment was rendered. 2. A person licensed under chapter 334 or 335 who, in good faith, makes a report under this section shall have immunity from civil liability that otherwise might result from such report and shall have the same immunity with respect to any good faith participation in any judicial proceeding in which the reported gunshot wound is an issue. Notwithstanding the provisions of subdivision (5) of section 491.060, the existence of a physician-patient relationship shall not prevent a physician from submitting the report required in this section, or testifying regarding information acquired from a patient treated for a gunshot wound if such testimony is otherwise admissible. ---------- (L. 1985 S.B. 54 § 1, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.365 - Hazing — consent not a defense — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.365. Hazing — consent not a defense — penalties. —1. A person commits the offense of hazing if he or she knowingly participates in or causes a willful act, occurring on or off the campus of a public or private college or university, directed against a student or a prospective member of an organization operating under the sanction of a public or private college or university, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing include: (1) Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or forced smoking or chewing of tobacco products; (2) Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress-inducing activity; or (3) Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state. 2. Public or private colleges or universities in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution. 3. Nothing in this section shall be interpreted as creating a new private cause of action against any educational institution. 4. Consent is not a defense to hazing. Section 565.010 does not apply to

hazing cases or to homicide cases arising out of hazing activity. 5. The offense of hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class D felony. ---------- (L. 1987 H.B. 126 § 3, A.L. 1995 H.B. 160, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.398 - Sports bribery, first degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.398. Sports bribery, first degree, penalty. —1. A person commits the offense of sports bribery in the first degree if he or she gives, promises or offers any benefit to any participant or prospective participant in any sport or game with the purpose to influence him or her to lose or try to lose or cause to be lost or to limit the margin of victory in any sport or game in which the participant is taking part, or expects to take part, or has any duty or connection therewith. 2. The offense of sports bribery in the first degree is a class D felony. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.399 - Sports bribery, second degree, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.399. Sports bribery, second degree, penalty. —1. A person commits the offense of sports bribery in the second degree if he or she, being a participant or prospective participant in any sport or game, accepts, attempts to obtain, or solicits any benefit in exchange for losing or trying to lose or causing to be lost or limiting the margin of victory in any sport or game in which the participant is taking part, or expects to take part, or has any duty or connection therewith. 2. The offense of sports bribery in the second degree is a class A misdemeanor. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.405 - Prohibited acts against animal research and production facilities — definitions — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.405. Prohibited acts against animal research and production facilities — definitions — penalties. —1. This section shall be known and may be cited as "The Animal Research and Production Facilities Protection Act". 2. As used in this section, the following terms mean: (1)"Animal", every living creature, domestic or wild, but not including Homo sapiens; (2)"Animal facility", any facility engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility and the offices and vehicles of any such persons while engaged in duties related to the animal facility, and any premises where animals are located. *3. A person commits the offense of prohibited acts against animal research and production facilities if he or she: (1) Releases, steals, or otherwise intentionally causes the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility; (2) Damages, vandalizes, or steals any property in or on an animal facility; (3) Obtains access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility; (4) Enters or otherwise interferes with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals; (5) Knowingly obtains, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals; or (6) Enters or remains on an animal facility with the intent to commit an act prohibited by this section. 4. The offense of prohibited acts against animal research and production facilities is a class A misdemeanor unless: (1) The loss or damage to the animal facility is seven hundred fifty dollars or more, in which case it is a class E felony; (2) The loss or damage to the animal facility is one thousand dollars or more, in which case it is a class D felony; (3) The loss or damage to the animal facility is twenty-five thousand dollars or more, in which case it is a class C felony; or (4) The loss or damage to the animal facility is seventy-five thousand dollars or more, in which case it is a class B felony. 5. Any person who intentionally agrees with another person to violate this section and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 4 of this section. 6. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of this section. 7. Any person found guilty of a violation of this section shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 6 of this section. 8. Any person who has been damaged by a violation of this section may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage. 9. Nothing in this section shall preclude any animal facility injured in its business or property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any

person who violates this section. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating this section and the court shall provide such relief. 10. The director of the department of agriculture may promulgate rules and regulations necessary for the enforcement of this section. The director shall have the authority to investigate any alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of this section. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void. ---------- (L. 1992 S.B. 498 §§ 1, 2, A.L. 2014 S.B. 491) *Transferred 2014; formerly 578.407, now 578.405 subsec. 3; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.421 - Citation of law — definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.421. Citation of law — definitions. —1. Sections 578.421 to 578.437 shall be known and may be cited as the "Missouri Criminal Street Gangs Prevention Act". 2. As used in sections 578.421 to 578.437, the following terms mean: (1)"Criminal street gang", any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its motivating activities the commission of one or more of the criminal acts enumerated in subdivision (2) of this subsection, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity; (2)"Pattern of criminal street gang activity", the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after August 28, 1993, and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons: (a) Assault with a deadly weapon or by means of force likely to cause serious physical injury, as provided in sections 565.050 and 565.052; (b) Robbery, arson and those offenses under chapter 569 which are related to robbery and arson; (c) Murder or manslaughter, as provided in sections 565.020 to 565.024; (d) Any violation of the provisions of chapter 579 which involves the distribution, delivery or manufacture of a substance prohibited by chapter 579; (e) Unlawful use of a weapon which is a felony pursuant to section 571.030; (f) Tampering with witnesses and victims, as provided in section 575.270; (g) Promoting online sexual solicitation, as provided in section 566.103; (h) Sexual trafficking of a child in the first degree, as provided in section 566.210; (i) Sexual trafficking of a child in the second degree, as provided in section 566.211; (j) Patronizing prostitution, as provided in subsection 4 of section 567.030; (k) Promoting prostitution in the first degree, as provided in section 567.050; (l) Promoting prostitution in the second degree, as provided in section 567.060; (m) Abuse or neglect of a child, as provided in subsection 6 of section 568.060; (n) Sexual exploitation of a minor, as provided in section 573.023; (o) Child used in sexual performance, as provided in section 573.200; (p) Promoting sexual performance by a child, as provided in section 573.205; or (q) Any dangerous felony, as defined in section 556.061. ---------- (L. 1993 H.B. 562 § 1, A.L. 2014 S.B. 491, A.L. 2019 H.B. 397, A.L. 2020 S.B. 600, §§ 578.419, 578.421)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.423 - Participating knowingly in criminal street gang activities, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.423. Participating knowingly in criminal street gang activities, penalty. —Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by gang members shall be guilty of a class B felony. ---------- (L. 1993 H.B. 562 § 2 subsec. 1, A.L. 2019 H.B. 397, A.L. 2020 S.B. 600)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.425 - Felony committed to promote or assist criminal conduct by gang members, punishment in addition to regular sentences.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.425. Felony committed to promote or assist criminal conduct by gang members, punishment in addition to regular sentences. —Any person who is convicted of a felony which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the purpose to promote, further, or assist in any criminal conduct by gang members, shall be punished in the following manner: (1) Any person who violates this section in the commission of a felony shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of two years. If the underlying felony is committed on the grounds of, or within one thousand feet of a public or private elementary, vocational, junior high or high school, the additional term shall be three years; (2) Any person who violates this section in the commission of a dangerous felony shall, upon conviction of that dangerous felony, in addition and consecutive to the punishment prescribed for the dangerous felony of which he or she has been convicted, be punished by an additional term of five years. (3) Any person who violates this section in the commission of a felony punishable by death or imprisonment for life shall not be paroled

until a minimum of fifteen calendar years have been served. ---------- (L. 1993 H.B. 562 § 2 subsec. 2, A.L. 2014 S.B. 491, A.L. 2020 S.B. 600)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.427 - Labor union activities and other employee activities, exempt — local governments may adopt laws consistent with and alternative to.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.427. Labor union activities and other employee activities, exempt — local governments may adopt laws consistent with and alternative to. —1. Sections 578.421 to 578.437 shall not apply to employees engaged in concerted activities for their mutual aid and protection, or the activities of labor organizations or their members or agents. 2. Nothing in sections 578.421 to 578.437 shall prevent a local governing body from adopting and enforcing laws consistent with sections 578.421 to 578.437 relating to gangs and gang violence. Where those local laws duplicate or supplement the provisions of sections 578.421 to 578.437, sections 578.421 to 578.437 shall be construed as providing alternative remedies and not as preempting the field. ---------- (L. 1993 H.B. 562 § 3)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.430 - Buildings, rooms and structures used for criminal street gangs' activities deemed public nuisances — owner knowing of gang use, court may order no occupancy up to one year — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.430. Buildings, rooms and structures used for criminal street gangs' activities deemed public nuisances — owner knowing of gang use, court may order no occupancy up to one year — penalty. —1. Any room, building, structure or inhabitable structure as defined in section 556.061 which is used by a criminal street gang in a pattern of criminal street gang activity shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance. 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for criminal street gangs in a pattern of criminal street gang activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year. 3. All persons, including owners, lessees, officers, agents, offenders or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance. 4. It is unlawful for a person to keep or maintain such a public nuisance. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant, of the room, building, structure, or inhabitable structure with the crime of keeping or maintaining a public nuisance. Keeping or maintaining a public nuisance is a class D felony. ---------- (L. 1993 H.B. 562 § 4 subsecs. 1, 2, 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.435 - Weapon defined — weapons owned or in possession of gang members may be confiscated — weapon deemed a nuisance and destroyed by court order, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.435. Weapon defined — weapons owned or in possession of gang members may be confiscated — weapon deemed a nuisance and destroyed by court order, when. —1. As used in this section and section 578.437, the term"weapon"means any firearm, concealable firearm, blackjack, explosive weapon, gas gun, knife, knuckles, machine gun, projectile weapon, rifle, short barrel, shotgun, or switchblade knife, as defined in section 571.010. 2. Any weapon which is owned or possessed by a member of a criminal street gang for the purposes of the commission of an offense enumerated in subdivision (2) of section 578.421 may be confiscated by any law enforcement agency or peace officer as defined in section 590.100. If the law enforcement agency or peace officer believes that the return of the weapon confiscated has been or will be used in criminal street gang activity or that the return of the weapon would be likely to result in endangering the safety of others, the law enforcement agency or peace officer may initiate a petition in circuit court to determine if the weapon should be returned or declared a nuisance. If the court declares such weapon to be a nuisance, the weapon shall be destroyed. ---------- (L. 1993 H.B. 562 § 5 subsecs. 1, 2)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.437 - Weapon not to be declared a nuisance unless notice given to lawful owner, procedure — burden of proof on state that return of weapon would endanger lives.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.437. Weapon not to be declared a nuisance unless notice given to lawful owner, procedure — burden of proof on state that return of weapon would endanger lives. —No weapon shall be declared a nuisance pursuant to section 578.435 and this section unless reasonable notice has been given to the lawful owner thereof, if his or her identity and address can be reasonably ascertained. The law enforcement agency shall inform the lawful owner at that person's last known address by registered mail that the owner of the weapon has thirty days from the date of receipt of the notice to respond to the clerk of the court to confirm his or her desire for a hearing, and that the failure to respond shall result in a default order and thereupon such weapon shall be declared a nuisance. If the person requests a hearing the court shall set a hearing no later than sixty days from the receipt of such request, and shall notify the

person, the law enforcement agency involved, and the prosecuting attorney of the date, time, and place of the hearing. At such hearing the burden of proof shall be upon the state to show by a preponderance of the evidence that the seized item has been or will be used in criminal street gang activity, or that the return of the weapon would likely result in the endangering of the lives of others. ---------- (L. 1993 H.B. 562 § 5 subsec. 3, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.475 - International marriage brokers, notice to recruits — criminal history record and marital history record to be disseminated — client requirements — violations, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.475. International marriage brokers, notice to recruits — criminal history record and marital history record to be disseminated — client requirements — violations, penalty. —1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available. 2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information. 3. A client of an international marriage broker shall: (1) Obtain a copy of his or her own criminal history record information; (2) Provide the criminal history record information to the international marriage broker; and (3) Provide to the international marriage broker his or her own marital history information. 4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country. 5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit. 6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state. 7. A person who is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless such person is otherwise required to register pursuant to the provisions of such section. 8. It shall be a class E felony to willfully provide incomplete or false information pursuant to this section. 9. Failure to provide the information and notice required pursuant to this section shall be a class E felony. 10. No provision of this section shall preempt any other right or remedy available under law to any party utilizing the services of an international marriage broker or other international marriage organization. ---------- (L. 2005 H.B. 353, A.L. 2014 S.B. 491) Transferred 2014; formerly 566.221; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.520 - Unlawful fishing, hunting, or trapping on private land — affirmative defense — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.520. Unlawful fishing, hunting, or trapping on private land — affirmative defense — penalty. —1. A person commits the offense of unlawful fishing, hunting, or trapping on private land if he or she fishes, hunts, or traps upon or retrieves wildlife from any private land that is not owned or in the possession of such person without permission from the owner or lessee of such land. 2. Any person who knowingly enters or remains on private property for the purpose of hunting, fishing, trapping, or retrieving wildlife in violation of subsection 1 of this section may, in addition to the penalty in subsection 4 of this section, be required by the court to surrender and deliver any license or permit issued by the department of conservation to hunt, fish, or trap. The court shall notify the conservation commission of any conviction under this section and request the commission take necessary action to revoke all privileges to hunt, fish, or trap for at least one year from the date of conviction. 3. It shall be an affirmative defense to prosecution for a violation of this section that the premises were at the time open to members of the public and the person complied with all lawful conditions imposed concerning access to or the privilege of remaining on the premises. 4. The offense of unlawful fishing, hunting, or trapping on private land is a class B misdemeanor. ---------- (L. 2007 S.B. 198, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.525 - Unlawful retrieval of large or small game — affirmative defense — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.525. Unlawful retrieval of large or small game — affirmative defense — penalty. —1. A person commits the offense of unlawful retrieval of large or small game if he or she, while engaged in the retrieval of wildlife from private land that is not owned or in the possession of such person with permission of the landowner or lessee of the land: (1) Intentionally drives or flushes any large or small game located on the land toward other hunters of the retriever's same hunting group located on other parcels of land or right-of-ways; or (2) Intentionally discharges a firearm at large or small game that originates from the private land during retrieval. 2. It shall be an affirmative defense to prosecution for a violation of this section that the premises were at the time open to members of the public and the person complied with all lawful conditions imposed concerning access to or the privilege of remaining on the premises. 3.

The offense of unlawful retrieval of large or small game is a class B misdemeanor. ---------- (L. 2007 S.B. 198, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.600 - Citation of law — definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.600. Citation of law — definitions. —1. Sections 578.600 to 578.624 shall be known and may be cited as the "Large Carnivore Act". 2. As used in sections 578.600 to 578.624, the following terms mean: (1)"Circus", an incorporated, class C licensee that is licensed under Chapter I of Title 9 of the Code of Federal Regulations that is temporarily in this state, and that offers skilled performances by live animals, clowns, and acrobats for public entertainment; (2)"Department", the Missouri department of agriculture; (3)"Division", the division of animal health of the Missouri department of agriculture; (4)"Facility", an indoor or outdoor cage, pen, or similar enclosure where a large carnivore is kept; (5)"Humane killing", the same meaning as such term is defined in section 578.005; (6)"Large carnivore", either of the following: (a) Any of the following large cats of the Felidae family that are nonnative to this state held in captivity: tiger, lion, jaguar, leopard, snow leopard, clouded leopard, and cheetah, including a hybrid cross with such cat, but excluding any unlisted nonnative cat, or any common domestic or house cat; or (b) A bear of a species that is nonnative to this state and held in captivity; (7)"Livestock", the same meaning as such term is defined in section 267.565; (8)"Permit", a permit issued under section 578.602; (9)"Qualified veterinarian", a person licensed to practice veterinary medicine under chapter 340. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.602 - Prohibited acts — purpose of act — permit required, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.602. Prohibited acts — purpose of act — permit required, procedure. —1. Except as permitted under sections 578.600 to 578.624, no person shall: (1) Own or possess a large carnivore; (2) Breed a large carnivore; (3) Transfer ownership or possession of or receive a transfer of ownership or possession of a large carnivore, with or without remuneration; or (4) Transport a large carnivore. 2. The division shall implement and enforce the provisions of sections 578.600 to 578.624 for the following purposes: (1) The standardization of ownership, transport, and breeding of large carnivores; (2) Identification and location of large carnivores; (3) Protection of members of the public from large carnivores; and (4) Practice best husbandry and health care protocols to ensure the humane and safe treatment of large carnivores on behalf of their physical well-being. 3. Any person possessing, breeding, or transporting a large carnivore on or after January 1, 2012, shall apply for and obtain a permit from the division. Any person possessing, breeding, or transporting a large carnivore as of January 1, 2012, shall apply for a permit from the division within sixty days of such date. One permit shall be required for each large carnivore. Any permit so issued by the division shall set forth all of the following: (1) The name and address of the permit holder and the address where each large carnivore will be kept, if different from that of the permit holder; (2) The identification number of each large carnivore required under section 578.604 for which a permit is sought; (3) The name and address of the veterinarian who is expected to provide veterinary care to the large carnivore and, if different, the name and address of the veterinarian who has inserted the subcutaneous microchip required under section 578.604. The selected veterinarian shall install the microchip, collect an appropriate sample for DNA registration, provide a written summary of the physical examination, and provide a signed health certificate as needed for transport; and (4) Any other reasonable information as determined by the department, including the amount of the permit fee, not to exceed two thousand five hundred dollars, as set by the division to offset the actual and necessary costs incurred to enforce the provisions of sections 578.600 to 578.624 and the amount of the annual renewal fee, not to exceed five hundred dollars, for such permits. 4. No permit shall be issued to any person under the age of twenty-one years of age or who has been found guilty of, or pled guilty to, a violation of any state or local law prohibiting neglect or mistreatment of any animal or, within the previous ten years, any felony. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.604 - Identification number on animal required.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.604. Identification number on animal required. —The owner of a large carnivore shall have an identification number placed in the large carnivore via subcutaneous microchip, at the expense of the owner, by or under the supervision of a veterinarian. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.606 - USDA regulations and standards, compliance with required — death of animal, notification of department required.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.606. USDA regulations and standards, compliance with required — death of animal, notification of department required. —1. Any person who owns, possesses, breeds, or sells a large carnivore shall adhere to all United States Department of Agriculture regulations and

standards. 2. Upon the death of a large carnivore, the owner shall notify the state department of agriculture of such death within ten business days. Such notification shall include the identification number from the animal's subcutaneous microchip. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.608 - Animal may be killed, when, by whom — immunity from liability, when — trespass by animal, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.608. Animal may be killed, when, by whom — immunity from liability, when — trespass by animal, when. —1. A law enforcement officer or other person may kill a large carnivore if such officer or person observes or has reason to believe that the large carnivore is chasing, attacking, injuring, or killing: (1) A human being, whether the large carnivore is contained in or is outside of its enclosure; (2) Livestock; (3) Poultry; or (4) A mammalian pet, only if the large carnivore is outside of its enclosure. 2. No law enforcement officer, animal control officer, or person shall be held civilly liable for damages or otherwise for killing or attempting to kill a large carnivore under subsection 1 of this section. 3. A large carnivore's entry onto a field or enclosure that is owned by or leased by a person producing livestock or poultry constitutes a trespass, and the person who owns or possesses the large carnivore is liable in damages. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.610 - Death or injury of a human by animal, liability of owner — liability insurance required — escape or release of animal, notification required.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.610. Death or injury of a human by animal, liability of owner — liability insurance required — escape or release of animal, notification required. —1. Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human and for property damage, including but not limited to the death or injury of another animal, caused by the large carnivore. Sections 578.600 to 578.624 do not limit the common law liability of the owner of a large carnivore for the death or injury of a human or for property damage caused by the large carnivore. 2. Any person who owns or possesses a large carnivore shall maintain liability insurance in an amount of not less than two hundred fifty thousand dollars. Each person subject to the provisions of this subsection shall provide verification to the department on an annual basis that such liability insurance is being maintained. 3. If a large carnivore escapes or is released, intentionally or unintentionally, the person who owns or possesses the large carnivore shall immediately contact law enforcement to report the loss, escape, or release. The person who owns or possesses the large carnivore is liable for all expenses associated with efforts to recapture the large carnivore that is released or escapes. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.612 - Permit for transport of animal required.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.612. Permit for transport of animal required. —A person lawfully in possession of a large carnivore under sections 578.600 to 578.624 shall be required to obtain a permit to transport the large carnivore in a vehicle in compliance with all federal and division requirements applicable to such large carnivores. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.614 - Violations, penalty — exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.614. Violations, penalty — exceptions. —1. Subject to subsection 2 of this section, any person who violates sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who fails to obtain a permit as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who intentionally releases a large carnivore except to the care, custody, and control of another person is guilty of a class E felony. In addition, a person who violates sections 578.600 to 578.624 may be punished by one or more of the following: (1) Community service work for not more than five hundred hours; (2) The loss of privileges to own or possess any animal. 2. Subsection 1 of this section does not apply to a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee with respect to the performance of the duties of a law enforcement officer, animal control officer, qualified veterinarian, or department of agriculture employee under sections 578.600 to 578.624. ---------- (L. 2010 S.B. 795, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.616 - Civil forfeiture, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.616. Civil forfeiture, when. —1. If a person who owns, possesses, breeds, or sells a large carnivore violates sections 578.600 to 578.624, such large carnivore and any other large carnivore owned or possessed by such person are subject to civil forfeiture. 2. The prosecuting attorney in an action under section 578.614 may file a petition requesting that the court issue an order for civil forfeiture of all of the

large carnivores owned or possessed by the person violating sections 578.600 to 578.624. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.618 - Local laws, more restrictive permitted.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.618. Local laws, more restrictive permitted. —A political subdivision may adopt an ordinance governing large carnivores that is more restrictive than sections 578.600 to 578.624. The requirements of sections 578.600 to 578.624 are in addition to any other requirements governing a large carnivore under state and federal law. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.620 - Inapplicability of act.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.620. Inapplicability of act. —1. Sections 578.602 and 578.604 shall not apply to any of the following: (1) An animal control shelter or animal protection shelter that is providing temporary care to a large carnivore for ninety days or less and has proper facilities to handle the large carnivore; (2) A law enforcement officer or department of agriculture employee acting under the authority of sections 578.600 to 578.624; (3) A veterinarian temporarily in possession of a large carnivore to provide veterinary care for or humanely euthanize the large carnivore; (4) A class C licensee that possesses and maintains a class C license under 9 C.F.R. 1.1 that meets the following conditions: (a) The business is not conducted in connection with another business as a means of attracting customers to such other business; (b) The class C licensee currently owns or possesses a large carnivore on August 28, 2010; except that, any class C licensee whose license is revoked after August 28, 2010, shall be required to obtain a state permit. For any large carnivore acquired after August 28, 2010, the class C licensee shall obtain a state permit. 2. Sections 578.602 and 578.604 shall not apply to a person who is not a resident of this state and who is in this state only for the purpose of travel between locations outside of this state and is not exhibiting in this state. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.622 - Additional exemptions

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.622. Additional exemptions —Sections 578.600 to 578.624 shall not apply to a circus, the University of Missouri-Columbia College of Veterinary Medicine, or a zoological park that is a part of a district created under chapter 184. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.624 - Large carnivore fund created, use of moneys.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.624. Large carnivore fund created, use of moneys. —1. (1) There is hereby created in the state treasury the "Large Carnivore Fund", which shall consist of moneys collected under sections 578.600 to 578.624, and any gifts, donations, bequests, or appropriations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of sections 578.600 to 578.624. (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 578.600 to 578.624 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 578.600 to 578.624 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void. ---------- (L. 2010 S.B. 795)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.625 - Unavailability of use of certain moneys

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.625. Unavailability of use of certain moneys —No moneys collected under section 273.327 shall be used to operate or administer sections 578.600 to 578.624. ---------- (L. 2010 S.B. 795 § 1)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 578 - Miscellaneous OffensesSection 578.700 - Notaries and notarial acts — prohibited acts — violations, penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 578 578.700. Notaries and notarial acts — prohibited acts — violations, penalties. —1. For purposes of this section, all definitions from section 486.600 shall apply. 2. In performing a notarial act, a notary shall be guilty of a misdemeanor, punishable upon conviction by a fine not

exceeding five hundred dollars or imprisonment for not more than six months, or both, for knowingly: (1) Failing to require the presence of a principal at the time of a notarial act; (2) Failing to identify a principal through personal knowledge or satisfactory evidence; or (3) Executing a false notarial certificate under subsection 1 of section 486.660. 3. A notary who knowingly performs any other act prohibited by chapter 486 or fails to perform any other act required by chapter 486 shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six months, or both. 4. Any person who is not a notary and who knowingly acts as or otherwise impersonates a notary shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six months, or both. 5. Any person who knowingly obtains, conceals, defaces, or destroys the seal, journal, or official records of a notary shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars. 6. Any person who knowingly solicits, coerces, or in any way influences a notary to commit official misconduct shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars. 7. Any person who knowingly obtains, conceals, damages, or destroys the coding, disk, certificate, card, token, program, software, or hardware that is intended exclusively to enable an electronic notary public to produce a registered electronic signature, notary seal, or single element combining the required features of an electronic signature and notary seal, shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six months, or both. 8. The penalties of this section shall not preclude other sanctions and remedies provided by law. ---------- (L. 2020 H.B. 1655)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.015 - Possession or control of a controlled substance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.015. Possession or control of a controlled substance — penalty. —1. A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance, except as authorized by this chapter or chapter 195. 2. The offense of possession of any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is a class D felony. 3. The offense of possession of more than ten grams but thirty-five grams or less of marijuana or any synthetic cannabinoid is a class A misdemeanor. 4. The offense of possession of not more than ten grams of marijuana or any synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any offense of the laws related to controlled substances of this state, or of the United States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021. 5. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant. ---------- (L. 1989 S.B. 215 & 58, A.L. 2010 H.B. 1472, A.L. 2011 H.B. 641, A.L. 2014 S.B. 491, A.L. 2016 H.B. 2332) Transferred 2014; formerly 195.202; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.020 - Delivery of a controlled substance — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.020. Delivery of a controlled substance — penalties. —1. A person commits the offense of delivery of a controlled substance if, except as authorized in this chapter or chapter 195, he or she: (1) Knowingly distributes or delivers a controlled substance; (2) Attempts to distribute or deliver a controlled substance; (3) Knowingly possesses a controlled substance with the intent to distribute or deliver any amount of a controlled substance; or (4) Knowingly permits a minor to purchase or transport illegally obtained controlled substances. 2. Except when the controlled substance is thirty-five grams or less of marijuana or synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense of delivery of a controlled substance is a class C felony. 3. Except as otherwise provided under subsection 4 of this section, the offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony. 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid to a person less than seventeen years of age who is at least two years younger than the defendant is a class C felony. 5. The offense of delivery of a controlled substance is a class B felony if: (1) The delivery or distribution is any amount of a controlled substance except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years of age who is at least two years younger than the defendant; or (2) The person knowingly permits a minor to purchase or transport illegally obtained controlled substances. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.212; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.021 - Delivery of a controlled substance causing serious physical injury, offense of — penalty — definition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.021. Delivery of a controlled substance causing serious physical injury, offense of — penalty — definition. —1. A person commits the offense of delivery of a controlled substance causing serious physical injury, as defined in section 556.061, if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and serious physical injury results from the use of such controlled substance. 2. It shall not be a defense that the user contributed to the user's own serious

physical injury by using the controlled substance or consenting to the administration of the controlled substance by another. 3. The offense of delivery of a controlled substance causing serious physical injury is a class C felony. 4. For purposes of this section,"controlled substance"means a Schedule I or Schedule II controlled substance, as defined in section 195.017. ---------- (L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.022 - Delivery of a controlled substance causing death, offense of — penalty — definition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.022. Delivery of a controlled substance causing death, offense of — penalty — definition. —1. A person commits the offense of delivery of a controlled substance causing death if a person delivers or distributes a controlled substance under section 579.020 knowing such substance is mixed with another controlled substance and a death results from the use of such controlled substance. 2. It shall not be a defense that the user contributed to the user's own death by using the controlled substance or consenting to the administration of the controlled substance by another. 3. The offense of delivery of a controlled substance causing death is a class A felony. 4. For purposes of this section,"controlled substance"means a Schedule I or Schedule II controlled substance, as defined in section 195.017. ---------- (L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.030 - Distribution of controlled substance in a protected location — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.030. Distribution of controlled substance in a protected location — penalty. —1. A person commits the offense of distribution of a controlled substance in a protected location if he or she knowingly distributes, sells, or delivers any controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, to a person with knowledge that that distribution, delivery or sale is: (1) In, on, or within two thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school, or on any school bus; or (2) In, on, or within one thousand feet of, the real property comprising a public park, state park, county park, municipal park, or private park designed for public recreational purposes, as park is defined in section 253.010; or (3) In or on the real property comprising public housing or other governmental assisted housing. 2. The offense of unlawful distribution of a controlled substance in a protected location is a class A felony. ---------- (L. 1993 S.B. 180, A.L. 2003 S.B. 39, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.218; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.040 - Unlawful distribution, delivery, or sale of drug paraphernalia — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.040. Unlawful distribution, delivery, or sale of drug paraphernalia — penalties. —1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propogate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter. 2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.041 - Drug masking product, unlawful distribution, delivery, or sale of — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.041. Drug masking product, unlawful distribution, delivery, or sale of — penalty. —1. For purposes of this section, the following terms mean: (1)"Drug masking product", synthetic urine, human urine, a substance designated to be added to human urine, or a substance designated to be added to or used on human hair or oral fluid for the purpose of defrauding an alcohol or a drug screening test; (2)"Synthetic urine", a substance that is designated to simulate the composition, chemical properties, physical appearance, or physical properties of human urine. 2. A person commits the offense of unlawful distribution, delivery, or sale of a drug masking product if the person unlawfully distributes, delivers, or sells a drug masking product. 3. The offense of unlawful distribution, delivery, or sale of a drug masking product is a class A misdemeanor. ---------- (L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.045 - Fraudulently attempting to obtain a controlled substance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.045. Fraudulently attempting to obtain a controlled substance — penalty. —1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he or she knowingly obtains or attempts to obtain a controlled substance, or knowingly procures or attempts to procure an administration of the controlled substance by fraud. The offense of fraudulently attempting to obtain a

controlled substance shall include, but shall not be limited to nor be limited by, the following: (1) Knowingly making a false statement in any prescription, order, report, or record, required by this chapter or chapter 195; (2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian, nurse, or other authorized person; (3) Making or uttering any false or forged prescription or false or forged written order; (4) Affixing any false or forged label to a package or receptacle containing controlled substances; (5) Possess a false or forged prescription with intent to obtain a controlled substance. 2. The offense of fraudulently attempting to obtain a controlled substance is a class E felony. 3. Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug is not deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he or she may have acquired from any patient while attending him or her in a professional character and which information was necessary to enable him or her to prescribe for such patient as a physician, or to perform any act for him or her as a surgeon. ---------- (L. 1989 S.B. 215 & 58, A.L. 1997 H.B. 635, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.204; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.050 - Manufacture of an imitation controlled substance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.050. Manufacture of an imitation controlled substance — penalty. —1. A person commits the offense of manufacture of an imitation controlled substance if he or she knowingly manufactures with intent to deliver any imitation controlled substance. 2. The offense of manufacture of an imitation controlled substance is a class E felony. ---------- (L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.055 - Manufacture of a controlled substance — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.055. Manufacture of a controlled substance — penalties. —1. A person commits the offense of manufacture of a controlled substance if, except as authorized in this chapter or chapter 195, he or she: (1) Knowingly manufactures, produces, or grows a controlled substance; (2) Attempts to manufacture, produce, or grow a controlled substance; or (3) Knowingly possesses a controlled substance with the intent to manufacture, produce, or grow any amount of controlled substance. 2. The offense of manufacturing or attempting to manufacture any amount of controlled substance is a class B felony when committed within two thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, community college, college, or university. It is a class A felony if a person has suffered serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine. 3. The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C felony. 4. The offense of manufacturing thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony. ---------- (L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2003 S.B. 39, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.211; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.060 - Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.060. Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty. —1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly: (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than seven and two-tenths grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or (2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than seven and two-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or (3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or (4) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than forty-three and two-tenths grams to the same individual within a twelve-month period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or (5) Purchases, receives, or otherwise acquires within a twelve-month period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than forty-three and two-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or (6) Dispenses or

offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or (7) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418. 2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly: (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or (2) Fails to submit information under subsection 13 of section 195.017 and subsection 6 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or (3) Fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or (4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers. 3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine. 4. The offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs is a class A misdemeanor. ---------- (L. 2014 S.B. 491, A.L. 2014 H.B. 1371, A.L. 2020 H.B. 1682 merged with H.B. 1896)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.065 - Trafficking drugs, first degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.065. Trafficking drugs, first degree — penalty. —1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce: (1) More than thirty grams of a mixture or substance containing a detectable amount of heroin; (2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; (3) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); (4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP); (5) More than four grams of phencyclidine; (6) More than thirty kilograms of a mixture or substance containing marijuana; (7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; (8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; (9) One gram or more of flunitrazepam for the first offense; (10) Any amount of gamma-hydroxybutyric acid for the first offense; or (11) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues. 2. The offense of trafficking drugs in the first degree is a class B felony. 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is: (1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or (2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or (3) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or (4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or (5) Twelve grams or more of phencyclidine; or (6) One hundred kilograms or more of a mixture or substance containing marijuana; or (7) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or (8) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system:

amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or (9) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or (10) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or (11) One gram or more of flunitrazepam for a second or subsequent offense; or (12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or (13) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues. ---------- (L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2001 H.B. 471, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2020 H.B. 1896, A.L. 2024 S.B. 754, et al.) Transferred 2014; formerly 195.222 CROSS REFERENCE: No bail, certain defendants, certain offenses, 544.671

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.068 - Trafficking drugs, second degree — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.068. Trafficking drugs, second degree — penalty. —1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195, such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state: (1) More than thirty grams of a mixture or substance containing a detectable amount of heroin; (2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; (3) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); (4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP); (5) More than four grams of phencyclidine; (6) More than thirty kilograms of a mixture or substance containing marijuana; (7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; (8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or (9) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues. 2. The offense of trafficking drugs in the second degree is a class C felony. 3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is: (1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or (2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or (3) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or (4) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or (5) Twelve grams or more of phencyclidine; or (6) One hundred kilograms or more of a mixture or substance containing marijuana; or (7) More than five hundred marijuana plants; or (8) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or (9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or (10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues. 4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains: (1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or (2) Any quantity of 3,4-methylenedioxymethamphetamine. 5. The offense of drug trafficking in the

second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam. ---------- (L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2001 H.B. 471, A.L. 2012 S.B. 628, A.L. 2014 S.B. 491, A.L. 2020 H.B. 1896, A.L. 2024 S.B. 754, et al.) Transferred 2014; formerly 195.223

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.070 - Creating a danger — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.070. Creating a danger — penalty. —1. A person commits the offense of creating a danger if, while producing, or attempting to produce, a controlled substance, he or she purposely protects or attempts to protect the production of the controlled substance by creating, setting up, building, erecting, or using any device or weapon which causes or is intended to cause physical injury to another person. 2. The offense of creating a danger is a class C felony. ---------- (L. 1986 S.B. 450, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.065; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.072 - Furnishing materials for production of a controlled substance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.072. Furnishing materials for production of a controlled substance — penalty. —1. A person commits the offense of furnishing materials for the production of a controlled substance if he or she provides any reagents, solvents or precursor materials used in the production of a controlled substance as defined in section 195.010 to any other person knowing that the person to whom such materials are provided intends to use such materials for the illegal production of a controlled substance. 2. The offense of furnishing materials for the production of a controlled substance is a class E felony. ---------- (L. 1998 H.B. 1147, et al. § 1, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.226; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.074 - Unlawful possession of drug paraphernalia — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.074. Unlawful possession of drug paraphernalia — penalty. —1. A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195. 2. The offense of unlawful possession of drug paraphernalia is a class D misdemeanor, unless the person has previously been found guilty of any offense of the laws of this state related to controlled substances or of the laws of another jurisdiction related to controlled substances, in which case the violation of this section is a class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021. 3. The offense of unlawful possession of drug paraphernalia is a class E felony if the person uses, or possesses with intent to use, the paraphernalia in combination with each other to manufacture, compound, produce, prepare, test, or analyze amphetamine or methamphetamine or any of their analogues. ---------- (L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2014 S.B. 491) Transferred 2014; formerly 195.233; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.076 - Unlawful manufacture of drug paraphernalia — penalties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.076. Unlawful manufacture of drug paraphernalia — penalties. —1. A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter or chapter 195. 2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony. ---------- (L. 1989 S.B. 215 & 58, A.L. 2001 H.B. 471 merged with S.B. 89 & 37, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.235; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.078 - Possession of an imitation controlled substance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.078. Possession of an imitation controlled substance — penalty. —1. A person commits the offense of possession of an imitation controlled substance if he or she knowingly possesses an imitation controlled substance. 2. The offense of possession of an imitation controlled substance is a class A misdemeanor. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.241; Effective 1-01-17

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.080 - Delivery of an imitation controlled substance — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.080. Delivery of an imitation controlled substance — penalty. —1. A person commits the offense of delivery of an imitation controlled substance if he or she knowingly delivers, possesses with intent to deliver, or causes to be delivered any imitation controlled substance. 2. The offense of delivery of an imitation controlled substance is a class E felony. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.242; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.082 - Marketing of ephedrine or pseudoephedrine — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.082. Marketing of ephedrine or pseudoephedrine — penalty. —1. A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved under the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application. 2. The offense of unlawful marketing of ephedrine or pseudoephedrine is a class E felony. ---------- (L. 1996 H.B. 1301 & 1298, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.248; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.084 - Distribution of controlled substance in violation of registration requirements — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.084. Distribution of controlled substance in violation of registration requirements — penalty. —1. A person commits the offense of distribution of a controlled substance in violation of registration requirements if he or she: (1) Is subject to the provisions of sections 195.005 to 195.198, and knowingly distributes or dispenses a controlled substance in violation of section 195.030; (2) Is a registrant, and knowingly distributes or dispenses a controlled substance not authorized by that person's registration to another registrant or other authorized person; or (3) Knowingly refuses or fails to make, keep or furnish any record, notification, order form, statement, invoice or information required under section 195.050. 2. The offense of distribution of a controlled substance in violation of registration requirements is a class E felony when the offense is a violation of subdivision (1) or (2) of subsection 1 of this section. 3. The offense of distribution of a controlled substance in violation of registration requirements is a class A misdemeanor when the offense is a violation of subdivision (3) of subsection 1 of this section. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.252; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.086 - Unlawful delivery of a controlled substance by manufacturer or distributor — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.086. Unlawful delivery of a controlled substance by manufacturer or distributor — penalty. —1. A manufacturer or distributor, or an employee of a manufacturer or distributor, commits the offense of unlawful delivery of a controlled substance when he or she knowingly delivers a controlled substance while acting recklessly as to whether the controlled substance will be used in violation of this chapter. 2. The offense of unlawful delivery of a controlled substance by a manufacturer or distributor is a class E felony. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.254; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.088 - Fentanyl, devices to detect the presence of permitted.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.088. Fentanyl, devices to detect the presence of permitted. —Notwithstanding any other provision of this chapter or chapter 195 to the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any device, equipment, or other material for the purpose of analyzing controlled substances to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue. ---------- (L. 2023 H.B. 402 merged with S.B. 24 merged with S.B. 45 & 90 merged with S.B. 70 merged with S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.090 - Tampering with a prescription or a drug prescription order — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.090. Tampering with a prescription or a drug prescription order — penalty. —1. Any pharmacist licensed under chapter 338 commits the

offense of tampering with a prescription or a prescription drug order as defined in section 338.095 if such person knowingly: (1) Causes the intentional adulteration of the concentration or chemical structure of a prescribed drug or drug therapy without the knowledge and consent of the prescribing practitioner; or (2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with the purpose of misleading the recipient or the administering person of the prescription drug or drug therapy; or (3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention of misleading the purchaser. 2. The offense of tampering with a prescription drug order is a class A felony. ---------- (L. 2003 S.B. 5, A.L. 2014 S.B. 491) Transferred 2014; formerly 565.350; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.095 - Possession of anhydrous ammonia — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.095. Possession of anhydrous ammonia — penalty. —1. A person commits the offense of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in a cylinder or other portable container that was not designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised as of October 1, 2002, and approved for the storage and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator. 2. Cylinder and other portable container valves and other fittings, or hoses attached thereto, used in anhydrous ammonia service shall be constructed of material resistant to anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005). 3. The offense of possession of anhydrous ammonia in a nonapproved container is a class E felony. ---------- (L. 2001 H.B. 471 merged with S.B. 89 & 37, A.L. 2004 S.B. 992, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.154; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.097 - Inhalation or inducing others to inhale solvent fumes to cause certain reactions, prohibited — exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.097. Inhalation or inducing others to inhale solvent fumes to cause certain reactions, prohibited — exceptions. —No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes. ---------- (L. 1982 S.B. 522 § 2, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.250; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.099 - Inducing, or possession with intent to induce, symptoms by use of certain solvents and other substances, prohibited.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.099. Inducing, or possession with intent to induce, symptoms by use of certain solvents and other substances, prohibited. —1. As used in this section,"alcohol beverage vaporizer"means any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both. 2. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances: (1) Solvents, particularly toluol; (2) Ethyl alcohol; (3) Amyl nitrite and its iso-analogues; (4) Butyl nitrite and its iso-analogues; (5) Cyclohexyl nitrite and its iso-analogues; (6) Ethyl nitrite and its iso-analogues; (7) Pentyl nitrite and its iso-analogues; and (8) Propyl nitrite and its iso-analogues. 3. This section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner. 4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by section 579.097 and this section. 5. No person shall possess or use an alcoholic beverage vaporizer. 6. Nothing in this section shall be construed to prohibit the legal consumption of intoxicating liquor, as defined by section 311.020, or nonintoxicating beer. ---------- (L. 1982 S.B. 522 §§ 3, 4, A.L. 2009 H.B. 62 merged with S.B. 26, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.255; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.101 - Possession or purchase of solvents to aid others in violations, prohibited —

penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.101. Possession or purchase of solvents to aid others in violations, prohibited — penalty. —1. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of sections 579.097 and 579.099. 2. Any person who violates any provision of sections 579.097 to 579.101 is guilty of a class B misdemeanor for the first violation and a class E felony for any subsequent violations. ---------- (L. 1982 S.B. 522 §§ 5, 6, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.260; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.103 - Selling or transferring solvents to cause certain symptoms, penalty — certain businesses prohibited from selling, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.103. Selling or transferring solvents to cause certain symptoms, penalty — certain businesses prohibited from selling, penalty. —1. A person commits the offense of selling or transferring solvents to cause certain symptoms if he or she knowingly and intentionally sells or otherwise transfers possession of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues to any person for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. 2. No person who owns or operates any business which receives over fifty percent of its gross annual income from the sale of alcoholic beverages or beer, or which operates as a venue for live entertainment performance or receives fifty percent of its gross annual income from the sale of recorded video entertainment, shall sell or offer for sale toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues, or any toxic glue. 3. Violation of this section is a class D felony. ---------- (L. 1982 S.B. 522 §§ 7, 8, A.L. 1987 H.B. 51 & 49, A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Transferred 2014; formerly 578.265; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.105 - Keeping or maintaining a public nuisance — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.105. Keeping or maintaining a public nuisance — violation, penalty. —1. A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains: (1) Any room, building, structure or inhabitable structure, as defined in section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or (2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid. 2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the offense of keeping or maintaining a public nuisance. 3. The offense of keeping or maintaining a public nuisance is a class E felony. 4. Upon the conviction of the owner pursuant to this section, the room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645. ---------- (RSMo 1939 § 9844, A.L. 1971 H.B. 69, A.L. 1985 H.B. 488, A.L. 1989 H.B. 479, A.L. 2014 S.B. 491, A.L. 2014 H.B. 1371) Transferred 2014; formerly 195.130; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.107 - Lawful possession, when — burden of proof of any exception or exemption upon defendant.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.107. Lawful possession, when — burden of proof of any exception or exemption upon defendant. —1. A person may lawfully possess or have under his or her control a controlled substance if he or she obtained the controlled substance directly from, or pursuant to, a valid prescription or practitioner's order issued in the course of a practitioner's professional practice or except as otherwise authorized by this chapter or chapter 195. 2. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this chapter or chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption, shall be upon the defendant. ---------- (RSMo 1939 § 9849, A.L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.180; Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.110 - Possession of methamphetamine precursors — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.110. Possession of methamphetamine precursors — penalty. —1. A person commits the offense of possession of methamphetamine precursors if he or she knowingly possesses one or more chemicals listed in subsection 2 of section 195.400, reagents, solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony, with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of this chapter or chapter 195. 2. Possession of more than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business. 3. The offense of possession of methamphetamine precursors is a class E felony. ---------- (L. 1989 S.B. 215 & 58, A.L. 1998 H.B. 1147, et al., A.L. 2014 S.B. 491) Transferred 2014; formerly 195.420; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.115 - Copy of suspicious transaction report for certain drugs to be submitted to chief law enforcement officer, when — suspicious transaction defined — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.115. Copy of suspicious transaction report for certain drugs to be submitted to chief law enforcement officer, when — suspicious transaction defined — penalty. —1. Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts, optical isomers and salts of optical isomers, alone or in a mixture, and is required by federal law to report any suspicious transaction to the United States attorney general, shall submit a copy of the report to the chief law enforcement official with jurisdiction before completion of the sale or as soon as practicable thereafter. 2. As used in this section,"suspicious transaction"means any sale or transfer required to be reported pursuant to 21 U.S.C. Section 830(b)(1). 3. The offense of failure to report suspicious transactions is a class E felony. ---------- (L. 2001 S.B. 89 & 37, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.515; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.150 - Distribution of prescription medication on school property — exceptions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.150. Distribution of prescription medication on school property — exceptions — penalty. —1. A person commits the offense of distribution of prescription medication on school property if he or she is less than twenty-one years of age and knowingly distributes upon the real property comprising a public or private elementary or secondary school or school bus a prescription medication to any individual who does not have a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010. 2. The provisions of this section shall not apply to any person authorized to distribute a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation. 3. The offense of distribution of prescription medication on school property is a class B misdemeanor for a first offense and a class A misdemeanor for any second or subsequent offense. ---------- (L. 2005 H.B. 353 and S.B. 254, A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.625; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.155 - Possession of prescription medication on school property — exceptions — penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.155. Possession of prescription medication on school property — exceptions — penalty. —1. A person commits the offense of possession of prescription medication on school property if he or she is less than twenty-one years of age and knowingly possesses upon the real property comprising a public or private elementary or secondary school or school bus prescription medication without a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010. 2. The provisions of this section shall not apply to any person authorized to possess a prescription medication by any school personnel who are responsible for storing, maintaining, or dispensing any prescription medication under chapter 338. This section shall not limit the use of any prescription medication by emergency personnel during an emergency situation. 3. The offense of possession of prescription medication on school property is a class C misdemeanor for a first offense and a class B misdemeanor for any second or subsequent offense. ---------- (L. 2005 H.B. 353 and S.B. 254, A.L. 2005 1st Ex. Sess. H.B. 2, A.L. 2014 S.B. 491) Transferred 2014; formerly 577.628; Effective 1-01-17

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.170 - Prior and persistent drug offenders, definitions, sentencing.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.170. Prior and persistent drug offenders, definitions, sentencing. —1. The following words or phrases as used in this chapter have the following meanings, unless the context otherwise requires: (1)"Persistent drug offender", one who has been found guilty of two or more felony offenses of the laws of this state or of the United States, or any other state, territory or district relating to controlled substances; (2)"Prior drug offender", one who has been found guilty of any felony offense of the laws of this state, or of the United States, or any other state, territory or district relating to controlled substances. 2. Prior findings of guilt shall be pleaded and proven in the same manner as required by section 558.021. 3. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior drug offenders or persistent drug offenders. 4. The court shall sentence a person who has been found to be a prior drug offender and is found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment for an offense one class higher than the offense for which the person was found guilty. 5. The court shall sentence a person who has been found to be a persistent drug offender and is found guilty of a class C, D, or E felony under this chapter to the authorized term of imprisonment for an offense two classes higher than the offense for which the person was found guilty. The court shall sentence a persistent drug offender who is found guilty of a class B felony under this chapter to the authorized term of imprisonment for a class A felony offense. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.275; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.175 - Arrest without warrant, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.175. Arrest without warrant, when. —Any law enforcement officer of the state of Missouri, or of any political subdivision thereof, may, within the boundaries of the political entity from which he or she derives his or her authority, arrest without a warrant any person he or she sees violating or whom he or she has probable cause to believe has violated any provision of this chapter. ---------- (L. 1971 H.B. 69, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.280; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.180 - Burden of proof of any exception or exemption upon defendant.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.180. Burden of proof of any exception or exemption upon defendant. —1. It is not necessary for the state to negate any exemption or exception in this chapter or chapter 195 in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this chapter or chapter 195. The burden of producing evidence of any exemption or exception is upon the person claiming it. 2. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under chapter 195, the person is presumed not to be the holder of the registration or form. The burden of producing evidence with respect to the registration or order form is upon such person claiming to be the authorized holder of the registration or form. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.367; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 579 - Controlled Substance OffensesSection 579.185 - Authorized state, county or municipal officers, good faith immunity from criminal liability.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 579 579.185. Authorized state, county or municipal officers, good faith immunity from criminal liability. —No criminal liability is imposed by this chapter upon any authorized state, county, or municipal officer, lawfully engaged in the enforcement of this chapter in good faith. ---------- (L. 1989 S.B. 215 & 58, A.L. 2014 S.B. 491) Transferred 2014; formerly 195.371; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.010 - Short title.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.010. Short title. —Sections 589.010 to 589.040 may be cited as the "Sexual Assault Prevention Act". ---------- (L. 1980 H.B. 1138, et al. § 2)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.015 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.015. Definitions. —As used in sections 589.010 to 589.040: (1) The term"center"shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030; (2) The term"sexual assault"shall include: (a) The acts of rape in the first or second degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, sexual assault,

sodomy in the first or second degree, forcible sodomy, sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first, second, third, or fourth degree, deviate sexual assault, sexual misconduct, sexual misconduct in the first, second, or third degree, sexual abuse, and sexual abuse in the first or second degree, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566; (b) The act of incest, as this act is defined in section 568.020; (c) The act of abuse of a child under section 568.060, which involves sexual contact; (d) The act of use of a child in a sexual performance; and (e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act. ---------- (L. 1980 H.B. 1138, et al. § 3, A.L. 1984 H.B. 1255, A.L. 1996 H.B. 974, A.L. 2008 S.B. 714, et al., A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.020 - Duties of department of elementary and secondary education — school programs — local boards have discretion.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.020. Duties of department of elementary and secondary education — school programs — local boards have discretion. —1. The department of elementary and secondary education shall develop and establish guidelines for the teaching of sexual assault prevention and sexual assault counseling techniques for utilization by local school districts in the establishment of sexual assault prevention education programs. Such programs shall be adapted to the age and understanding of the pupils and shall be so emphasized in appropriate places in the curriculum as to give a full and adequate treatment of the subject. 2. Local boards of education may establish sexual assault prevention education programs in accordance with the guidelines developed by the department of elementary and secondary education under subsection 1 of this section; provided, however, that nothing in sections 589.010 to 589.040 shall be construed as mandating the establishment of such programs by local boards of education; and provided, further, that no child shall be compelled to participate in any such program if the parent or guardian of such child submits a written objection to such participation, on moral or religious grounds, to the principal or other person in charge of the school which the child attends. ---------- (L. 1980 H.B. 1138, et al. § 4)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.030 - Duties of department of public safety — grants — statistics — training programs — reports — telephone reporting system.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.030. Duties of department of public safety — grants — statistics — training programs — reports — telephone reporting system. —1. The director of the department of public safety shall establish within the department the "State Center for the Prevention and Control of Sexual Assault"*. 2. The director of the department of public safety, acting through the center, may, directly or by grant, carry out the following: (1) A continuing study of sexual assault, including a study and investigation of: (a) The effectiveness of existing state and local laws dealing with sexual assault; (b) The relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of sexual assault and the formulation of laws dealing with sexual assault; (c) The treatment of the victims of sexual assault by law enforcement agencies, hospitals and other medical institutions, prosecutors and the courts; (d) The causes of sexual assault, identifying, to the degree possible, the social conditions which encourage sexual assault and the motives of the offenders; (e) The impact of sexual assault on the victim and the family of the victim; (f) Sexual assault in correctional institutions; (g) The actual incidence of sexual assault as compared to the reported incidence of sexual assault and the reasons for any difference in such incidences; and (h) The effectiveness of existing private, local and state government educational, counseling and other programs designed to prevent and control sexual assault; (2) The compilation, analysis and publication of summaries of the continuing study conducted under subdivision (1) of this subsection and the research and demonstration projects conducted under subdivision (5) of this section. The director of the department of public safety shall annually submit to the governor, the chief justice of the supreme court and the members of the general assembly a summary of such study and projects together with recommendations, where appropriate; (3) The compilation and publication of training materials for personnel who are engaged in, or who intend to engage in, programs designed to prevent or control sexual assault; (4) The development and maintenance of an information system with regard to the prevention and control of sexual assault, the treatment and counseling of the victims of sexual assault and their families, the rehabilitation of offenders and medical treatment; (5) Assistance to community mental health centers and other qualified public and not-for-profit private entities in conducting research and demonstration projects concerning the prevention and control of sexual assault including, but not limited to, projects for: (a) The planning, development, implementation, and evaluation of alternative methods used in the prevention and control of sexual assault, the treatment and counseling of the victims of sexual assault and their families, and the rehabilitation of offenders; (b) For the application of such alternative methods; and (c) For the promotion of community awareness of the specific locations in which, and the specific social and other conditions under which, sexual assaults are most likely to occur; (6) Establish and maintain a telephone service, operating at all times, capable of receiving calls made concerning incidents of sexual assault so that callers may be instructed as to what steps to take in reporting sexual assault to the proper law enforcement authorities and where victims of sexual assault can receive counseling and assistance concerning incidents of sexual assault; (7) Establish means whereby the existence of state and local programs to assist victims of sexual assault will be publicized to the public. 3. The center is hereby designated as the state sexual assault agency for all purposes of any federal sexual assault prevention act and may: (1) Take all necessary and appropriate actions to obtain for this state all benefits offered under any federal act dealing with sexual assault and its prevention; (2) Apply for and receive federal funds made available under any federal

act; (3) Participate, through its authorized representative, in proceedings under any federal act. ---------- (L. 1980 H.B. 1138, et al. § 5) *Section 13 of H.B. 41, et al., 1981, established this center as a separate entity within the department of public safety. See section 589.035.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.035 - Center to be separate entity within department — effective date.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.035. Center to be separate entity within department — effective date. —The director shall transfer the state center for the prevention and control of sexual assault as created pursuant to section 589.030 from the committee on criminal justice to a status as a separate entity within the department to more effectively aid and assist victims of sexual assault crimes. ---------- (L. 1981 H.B. 41, et al. § 13) Effective 1-01-83

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.040 - Duties of department of corrections — certain inmates to participate in programs.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.040. Duties of department of corrections — certain inmates to participate in programs. —1. The director of the department of corrections shall develop a program of treatment, education and rehabilitation for all imprisoned offenders who are serving sentences for sexual assault offenses. When developing such programs, the ultimate goal shall be the prevention of future sexual assaults by the participants in such programs, and the director shall utilize those concepts, services, programs, projects, facilities and other resources designed to achieve this goal. 2. All persons imprisoned by the department of corrections for sexual assault offenses shall be required to successfully complete the programs developed pursuant to subsection 1 of this section prior to being eligible for parole or conditional release. ---------- (L. 1980 H.B. 1138, et al. § 6, A.L. 1990 H.B. 974, A.L. 2011 H.B. 111 merged with S.B. 250) (2001) As applied to habeas applicant sentenced prior to effective date of section, section is not an ex post facto law; program is not penal in nature but rehabilitative. State ex rel. Nixon v. Pennoyer, 39 S.W.3d 521 (Mo.App.E.D.). (2004) Sexual offender program has secular, narrowly tailored legislative purpose of preventing future sexual assaults by participants and does not violate federal or state constitutional provisions of non-establishment and free exercise of religion. Boone v. State, 147 S.W.3d 801 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.042 - Access to personal home computer, authority to require registered sexual offenders to provide as condition of probation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.042. Access to personal home computer, authority to require registered sexual offenders to provide as condition of probation. —The court or the parole board shall have the authority to require a person who is required to register as a sexual offender under sections 589.400 to 589.425 to give his or her assigned probation or parole officer access to his or her personal home computer as a condition of probation or parole in order to monitor and prevent such offender from obtaining and keeping child pornography or from committing an offense under chapter 566. Such access shall allow the probation or parole officer to view the internet use history, computer hardware, and computer software of any computer, including a laptop computer, that the offender owns. ---------- (L. 2006 H.B. 1698, et al. § 489.042, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.200 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.200. Definitions. —As used in sections 589.200 to 589.215, the following terms mean: (1)"Authorized agency", the highway patrol, the prosecuting attorney responsible for prosecutions in the county where a motor vehicle theft has occurred, or any law enforcement agency; (2)"Insurer", any insurance company; (3)"Relevant", information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of an allegedly fraudulent motor vehicle theft claim more probable or less probable than it would have been without the evidence. ---------- (L. 1983 H.B. 149, et al. § 2)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.205 - Insurer may notify authorized agency of suspected fraudulent theft claim, provide information.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.205. Insurer may notify authorized agency of suspected fraudulent theft claim, provide information. —If an insurer has reason to believe that a motor vehicle theft claim made by an insured is fraudulent, the insurer may: (1) Notify, in writing, an authorized agency of the suspected fraudulent claim; and (2) Provide the agency with all material developed from the insurer's inquiry into the claim. ----------

(L. 1983 H.B. 149, et al. § 3)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.210 - Authorized agency may require information relevant to theft claim from insurer.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.210. Authorized agency may require information relevant to theft claim from insurer. —An authorized agency charged with the responsibility of investigating a motor vehicle theft may, in writing, require an insurer investigating that loss to release to the requesting agency any or all relevant information or evidence considered important to the authorized agency including: (1) Pertinent insurance policy information relevant to the theft under investigation and any application for that policy; (2) Policy premium payment records; (3) History of previous claims made by the insured; and (4) Material relating to the investigation, including: (a) Statements of any person; (b) Proof of loss; and (c) Other evidence relevant to the investigation. ---------- (L. 1983 H.B. 149, et al. § 4)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.215 - Release of information by authorized agency to others — insurer entitled to information, when — immunity from liability for providing information.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.215. Release of information by authorized agency to others — insurer entitled to information, when — immunity from liability for providing information. —1. An authorized agency provided with information under sections 589.200 to 589.215 may release or provide that information to any other authorized agency to further its investigation. 2. An insurer providing information to an authorized agency under section 589.205 or 589.210 has the right to request and to receive from that agency relevant information. The agency shall provide the requested information within a reasonable time, not to exceed thirty days from the date of the request or termination of a criminal prosecution involving such information, whichever is later. 3. An insurer or an authorized agency that releases or provides evidence or information under sections 589.200 to 589.215 is immune from any civil or criminal liability for providing such evidence or information. ---------- (L. 1983 H.B. 149, et al. § 5)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.300 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.300. Definitions. —As used in sections 589.300 to 589.310, the following terms mean: (1)"Center", the Missouri crime prevention information center; (2)"Department", the department of public safety; (3)"Director", the director of the department of public safety; (4)"Local government", any city, county or village; (5)"Local government/school district partnership"or"partnership", a partnership between one or more local governments and one or more school districts or any accredited private school to apply for and implement a crime prevention program aimed at preventing crime by children and young adults under the age of twenty-one; (6)"School district", any district as defined in subdivision (1) of section 160.011 or any accredited private school. ---------- (L. 1994 S.B. 763, A.L. 1995 H.B. 174, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.305 - Department may solicit funds.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.305. Department may solicit funds. —In addition to general revenue appropriated by the general assembly for the purposes of sections 589.300 to 589.310, the department may solicit, receive, and expend funds, including matching grants, from the federal government, other state agencies, and from private sources to aid in carrying out the provisions of sections 589.300 to 589.310. ---------- (L. 1994 S.B. 763)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.307 - Fund established, administration, purpose.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.307. Fund established, administration, purpose. —1. There is hereby established in the state treasury the "Missouri Crime Prevention Information and Programming Fund". The Missouri crime prevention information and programming fund shall be administered by the center created within the department of public safety. Money in the fund shall be used solely for carrying out the provisions of sections 589.300 to 589.310. 2. Any moneys received from private sources, gifts, donations, transferred from other governmental agencies, or generated by center-sponsored activities shall be credited to the Missouri crime prevention information and programming fund. 3. The provisions of section 33.080 to the contrary notwithstanding, moneys in the Missouri crime prevention information and programming fund shall not be transferred and placed to the credit of the general revenue fund. ---------- (L. 1994 S.B. 763)

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.310 - Establishment and enhancement of local crime prevention programs — proactive partnership prevention approach — amount of funding — audit — rules.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.310. Establishment and enhancement of local crime prevention programs — proactive partnership prevention approach — amount of funding — audit — rules. —1. Subject to availability of funds within the Missouri crime prevention information and programming fund, the director, or his designee, may contract with local law enforcement or prevention-related organizations to assist in establishing or enhancing local crime prevention programs. Such programs would include, but not be limited to: (1) Community crime prevention; (2) Drug abuse prevention in schools; (3) Community-oriented policing; (4) Family violence prevention; (5) Juvenile delinquency prevention; (6) Gang-related activity prevention; (7) Gun violence prevention; and (8) School violence prevention. 2. In awarding contracts for local government crime prevention programs, the director or his designee shall place special emphasis on applications which demonstrate the existence of a local government/school district partnership taking a proactive approach toward preventing crime by children and young adults under the age of twenty-one. Such evidence shall include a copy of the agreement between the local government and school district specifying the duties and obligations of each should a contract be awarded. 3. The state shall provide one-third of the funding for each contract awarded to a local government/school district partnership to operate a local government crime prevention program. The local government or governments receiving the contract shall contribute one-third and the school district or districts shall also contribute one-third. 4. The director, or his designee, shall ensure that the fund administered under this section will not be used by any agency to supplant existing funds which are presently being used for crime prevention programming. The department may, at its discretion, audit the expenditure of any contract funds awarded under this section. 5. The department shall promulgate such rules and regulations as are necessary for the administration of sections 589.300 to 589.310, pursuant to chapter 536 and section 650.005. ---------- (L. 1994 S.B. 763, A.L. 1995 H.B. 174, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.400 - Registration of certain offenders with chief law officers of county of residence — time limitation — registration requirements — fees — automatic removal from registry — petitions for exemption — procedure, notice, denial of petition — nonresident workers, higher education students and workers.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.400. Registration of certain offenders with chief law officers of county of residence — time limitation — registration requirements — fees — automatic removal from registry — petitions for exemption — procedure, notice, denial of petition — nonresident workers, higher education students and workers. —1. Sections 589.400 to 589.425 shall apply to: (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an offense referenced in section 589.414, unless such person is exempt from registering under subsection 9 or 10 of this section or section 589.401; (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; patronizing prostitution if the individual the person patronizes is less than eighteen years of age; (3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense referenced in section 589.414; (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been adjudicated for an offense listed under section 589.414; (6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense; (7) Any person who is a resident of this state who has, since July 1, 1979, been or is hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense which, if committed in this state, would constitute an offense listed under section 589.414, or has been or is required to register in another state, territory, the District of Columbia, or foreign country, or has been or is required to register under tribal, federal, or military law; or (8) Any person who has been or is required to register in another state, territory, the District of Columbia, or foreign country, or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary

school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri."Part-time"in this subdivision means for more than seven days in any twelve-month period. 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business days of adjudication, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. For any juvenile under subdivision (6) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, such juvenile shall register with the chief law enforcement official of the county or city not within a county in which he or she resides unless he or she has already registered in such county or city not within a county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three business days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official. 3. The registration requirements of sections 589.400 through 589.425 shall be as provided under subsection 4 of this section unless: (1) All offenses requiring registration are reversed, vacated, or set aside; (2) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of section 589.414; or (3) The court orders the removal or exemption of such person from the registry under section 589.401. 4. The registration requirements shall be as follows: (1) Fifteen years if the offender is a tier I sex offender as provided under section 589.414; (2) Twenty-five years if the offender is a tier II sex offender as provided under section 589.414; or (3) The life of the offender if the offender is a tier III sex offender. 5. (1) The registration period shall be reduced as described in subdivision (3) of this subsection for a sex offender who maintains a clean record for the periods described under subdivision (2) of this subsection by: (a) Not being adjudicated of any offense for which imprisonment for more than one year may be imposed; (b) Not being adjudicated of any sex offense; (c) Successfully completing any periods of supervised release, probation, or parole; and (d) Successfully completing an appropriate sex offender treatment program certified by the attorney general. (2) In the case of a: (a) Tier I sex offender, the period during which the clean record shall be maintained is ten years; (b) Tier III sex offender adjudicated delinquent for the offense which required registration in a sex offender registry under sections 589.400 to 589.425, the period during which the clean record shall be maintained is twenty-five years. (3) In the case of a: (a) Tier I sex offender, the reduction is five years; (b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (b) of subdivision (2) of this subsection is maintained. 6. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars. 7. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration. 8. Any person currently on the sexual offender registry or who otherwise would be required to register for being adjudicated for the offense of felonious restraint of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425. 9. The following persons shall be exempt from registering as a sexual offender upon petition to the court of jurisdiction under section 589.401; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425: (1) Any person currently on the sexual offender registry or who otherwise would be required to register for a sexual offense involving: (a) Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved, if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or (b) Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least fourteen years of age, and the offender was not more than four years older than the victim at the time of the offense; or (2) Any person currently required to register for the following sexual offenses: (a) Promoting obscenity in the first degree under section 573.020; (b) Promoting obscenity in the second degree under section 573.030; (c) Furnishing pornographic materials to minors under section 573.040; (d) Public display of explicit sexual material under section 573.060; (e) Coercing acceptance of obscene material under section 573.065; (f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor under section 566.206; (g) Abusing an individual through forced labor under section 566.203; (h) Contributing to human trafficking through the misuse of documentation under section 566.215; or (i) Acting as an international marriage broker and failing to provide the information and notice as required under section 578.475. 10. Any person currently on the sexual offender registry for having been adjudicated for a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed under section 589.414 may file a petition under section 589.401. 11. Any nonresident worker, including work as a volunteer or intern, or nonresident student shall register for the duration of such person's employment, including participation as a volunteer or intern, or attendance at any school of higher education whether public or private, including any secondary school, trade school, professional school, or institution of higher education on a full-time or part-time basis in this state unless granted relief under section 589.401. Any registered offender shall provide information regarding any place in which the offender is staying when away from his or her residence for seven or more days, including the period of time the offender is staying in such place. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency unless granted relief under section 589.401. ---------- (L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602, A.L. 2002 S.B. 758 merged with S.B.

969, et al., A.L. 2003 S.B. 5 merged with S.B. 184, A.L. 2004 H.B. 1055, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491, A.L. 2018 S.B. 655 merged with S.B. 793) (2005) Sex offender registration statutes are non-punitive civil regulation and thus do not constitute an ex post facto punishment; sections also do not violate the due process rights of registrants. R. W. v. Sanders, 168 S.W.3d 65 (Mo.banc). (2006) Sections 589.400 to 589.425 are constitutional under ex post facto, due process, equal protection, bill of attainder, and special law provisions; however, application of registration requirement to persons who pled guilty or were found guilty prior to sections' effective date of January 1, 1995, violates constitutional ban on laws retrospective in operation. Doe v. Phillips, 194 S.W.3d 833 (Mo.banc). (2023) Section mandates lifetime registration requirement in Missouri if the offender "has been" subject to federal registration requirements under Sex Offender Registration and Notification Act, even if that federal obligation has expired. Smith v. St. Louis County Police, 659 S.W.3d 895 (Mo.banc).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.401 - Removal from registry, petition, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.401. Removal from registry, petition, procedure. —1. A person on the sexual offender registry may file a petition in the division of the circuit court in the county or city not within a county in which the offense requiring registration was committed to have his or her name removed from the sexual offender registry. 2. A person who is required to register in this state because of an offense that was adjudicated in another jurisdiction shall file his or her petition for removal according to the laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which his or her offense was adjudicated. Upon the grant of the petition for removal in the jurisdiction where the offense was adjudicated, such judgment may be registered in this state by sending the information required under subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated to the court in the county or city not within a county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition. 3. A person required to register as a tier III offender shall not file a petition under this section unless the requirement to register results from a juvenile adjudication. 4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register for his or her most recent offense under sections 589.400 to 589.425: (1) For a tier I offense, ten years; (2) For a tier II offense, twenty-five years; or (3) For a tier III offense adjudicated delinquent, twenty-five years. 5. The petition shall be dismissed without prejudice if it fails to include any of the following: (1) The petitioner's: (a) Full name, including any alias used by the individual; (b) Sex; (c) Race; (d) Date of birth; (e) Last four digits of the Social Security number; (f) Address; and (g) Place of employment, school, or volunteer status; (2) The offense and tier of the offense that required the petitioner to register; (3) The date the petitioner was adjudicated for the offense; (4) The date the petitioner was required to register; (5) The case number and court, including the county or city not within a county, that entered the original order for the adjudicated sex offense; (6) Petitioner's fingerprints on an applicant fingerprint card; (7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and (8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register. 6. The petition shall name as respondents the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the petition is filed. 7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure. 8. The person seeking removal or exemption from the registry shall provide the prosecuting attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. 9. The prosecuting attorney in the circuit court in which the petition is filed shall have access to all applicable records concerning the petitioner including, but not limited to, criminal history records, mental health records, juvenile records, and records of the department of corrections or probation and parole. 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition. 11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner: (1) Has not been adjudicated or does not have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date the offender was required to register for his or her current tier level; (2) Has not been adjudicated or does not have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date the offender was required to register for his or her current tier level, even if the offense was punishable by less than one year imprisonment; (3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date the offender was required to register for his or her current tier level; (4) Has successfully completed an appropriate sex offender treatment program as approved by a court of competent jurisdiction or the Missouri department of corrections; and (5) Is not a current or potential threat to public safety. 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this section, the fingerprints filed in the case shall be examined by the Missouri state highway patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history check of both state and federal files under section 43.530. 13. If the petition is denied due to an

adjudication in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until: (1) Fifteen years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier I offender; (2) Twenty-five years have passed from the date of adjudication resulting in the denial of relief if the petitioner is classified as a tier II offender; or (3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication. 14. If the petition is denied due to the petitioner having charges pending in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until: (1) The pending charges resulting in the denial of relief have been finally disposed of in a manner other than adjudication; or (2) If the pending charges result in an adjudication, the necessary time period has elapsed under subsection 13 of this section. 15. If the petition is denied for reasons other than those outlined in subsection 11 of this section, no successive petition requesting such relief shall be filed for at least five years from the date the judgment denying relief is entered. 16. If the court finds the petitioner is entitled to have his or her name removed from the sexual offender registry, the court shall enter judgment directing the removal of the name. A copy of the judgment shall be provided to the respondents named in the petition. 17. Any person subject to the judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was different from that listed on the judgment of removal. 18. The court shall not deny the petition unless the petition failed to comply with the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence demonstrating the petition should be denied. ---------- (L. 2018 S.B. 655)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.402 - Internet search capability of registered sex offenders to be maintained — information to be made available — newspaper publication — juveniles exempt from public notification.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.402. Internet search capability of registered sex offenders to be maintained — information to be made available — newspaper publication — juveniles exempt from public notification. —1. The chief law enforcement officer of the county or city not within a county may maintain a web page on the internet, which shall be open to the public and shall include a registered sexual offender search capability. 2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425. 3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search: (1) The name and any known aliases of the offender; (2) The date of birth and any known alias dates of birth of the offender; (3) A physical description of the offender; (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code; (5) Any photographs of the offender; (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number; (7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425; (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register; (9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender. 4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county. 5. Juveniles required to register under subdivision (6) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction. ---------- (L. 2005 S.B. 73, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2018 S.B. 655)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.403 - Correctional facility or mental health institution releasing on parole or discharge, official in charge, duties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.403. Correctional facility or mental health institution releasing on parole or discharge, official in charge, duties. —1. Any person who is required to register under sections 589.400 to 589.425 and who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections, any mental health institution, private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health where such person was confined shall: (1) If the person plans to reside in this state, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official of the

county or city not within a county where the person expects to reside upon discharge, parole, or release; or (2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and forward the offender's registration, within three business days of release, to the Missouri state highway patrol and the chief law enforcement official within the county or city not within a county where the correctional facility, private jail, or mental health institution is located. 2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, private jail, or mental health institution is located. ---------- (L. 1997 H.B. 883, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2018 S.B. 655)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.404 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.404. Definitions. —As used in sections 589.400 to 589.425, the following terms mean: (1)"Adjudicated"or"adjudication", adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit; (2)"Adjudicated delinquent", a person found to have committed an offense that, if committed by an adult, would be a criminal offense; (3)"Chief law enforcement official", the sheriff's office of each county or the police department of a city not within a county; (4)"Offender registration", the required minimum informational content of sex offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration; (5)"Residence", any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period; (6)"Sex offender", any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248; (7)"Sex offense", any offense which is listed under section 589.414 or comparable to those listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248; (8)"Sexual act", any type or degree of genital, oral, or anal penetration; (9)"Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual contact; (10)"Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim; (11)"Sexual element", used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists; (12)"Signature", the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol; (13)"Student", an individual who enrolls in or attends the physical location of an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education; (14)"Vehicle", any land vehicle, watercraft, or aircraft. ---------- (L. 2018 S.B. 655, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.405 - Court's duties upon release of sexual offender.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.405. Court's duties upon release of sexual offender. —1. Any person who is required to register under sections 589.400 to 589.425 and who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge and at the time of adjudication, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 and is placed on probation, the court shall make it a condition of probation that the offender report within three business days to the chief law enforcement official of the county of adjudication or city not within a county of adjudication to complete initial registration. If such offender is not placed on probation, the court shall: (1) If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county in which the offender resides; or (2) If the offender does not reside in Missouri: (a) Order the offender to report directly to the chief law enforcement official in the county or city not within a county where the adjudication was heard to register as provided in sections 589.400 to 589.425; and (b) Complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the chief law enforcement official in the county or city not within a county where the offender was adjudicated. 2. If the offender resides in Missouri and refuses to complete and sign the registration information as provided in subdivision (1) of subsection 1 of this section, or if the offender resides outside of Missouri and refuses to directly report to the chief law enforcement

official as provided in subdivision (2) of subsection 1 of this section, the offender commits the offense of failure to register under section 589.425. ---------- (L. 1997 H.B. 883, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2018 S.B. 655)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.407 - Registration, required information — substantiating accuracy of information — changes to information, notification to other jurisdictions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.407. Registration, required information — substantiating accuracy of information — changes to information, notification to other jurisdictions. —1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol or other format approved by the Missouri state highway patrol. Such form shall consist of a statement, including the signature of the offender, and shall include, but is not limited to, the following: (1) A statement in writing signed by the person, giving the name, address, date of birth, Social Security number, and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers, as defined in section 43.651, used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 566.125, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; (2) The fingerprints and palm prints of the person; (3) Unless the offender's appearance has not changed significantly, a photograph of such offender as follows: (a) Quarterly if a tier III sex offender under section 589.414. Such photograph shall be taken every ninety days beginning in the month of the person's birth; (b) Semiannually if a tier II sex offender. Such photograph shall be taken in the month of the person's birth and six months thereafter; and (c) Yearly if a tier I sex offender. Such photograph shall be taken in the month of the person's birth; and (4) A DNA sample from the individual, if a sample has not already been obtained. 2. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following: (1) A photocopy of a valid driver's license or nondriver's identification card; (2) A document verifying proof of the offender's residency; and (3) A photocopy of the vehicle registration for each of the offender's vehicles. 3. The Missouri state highway patrol shall maintain all required registration information in digitized form. 4. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register. 5. The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in-person appearance and, if any inaccuracies are found, provide proof of the information in question. 6. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to this effect shall be included on the form that the individual is required to sign at each registration. ---------- (L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2003 S.B. 5 merged with S.B. 184, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2018 S.B. 655)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.410 - Highway patrol to be notified, information to be made a part of MULES.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.410. Highway patrol to be notified, information to be made a part of MULES. —The chief law enforcement official shall forward the completed offender registration form to the Missouri state highway patrol within three days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system, and other entities as provided by law, upon inquiry. ---------- (L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602, A.L. 2002 S.B. 758 merged with S.B. 969, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.414 - Registrant's duties on change of information — change in online identifiers, duty to report.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.414. Registrant's duties on change of information — change in online identifiers, duty to report. —1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information: (1) Name; (2) Residence; (3) Employment, including status as a volunteer or intern; (4) Student status; or (5) A termination to any of the items listed in this subsection. 2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information: (1) Vehicle information; (2) Temporary lodging information; (3) Temporary residence information; (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or (5) Telephone or other cellular number, including any new forms of electronic communication. 3. The chief law enforcement official in the county or city not

within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days. 4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days. 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include: (1) Any offender who has been adjudicated for the offense of: (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older; (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year; (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year; (d) Kidnapping in the second degree under section 565.120 with sexual motivation; (e) Kidnapping in the third degree under section 565.130; (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year; (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person; (h) Sexual contact with a prisoner or offender*under section 566.145 if the victim is eighteen years of age or older; (i) Sex with an animal under section 566.111; (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older; (k) Possession of child pornography under section 573.037; (l) Sexual misconduct in the first degree under section 566.093; (m) Sexual misconduct in the second degree under section 566.095; (n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; or (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age; (2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248. 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include: (1) Any offender who has been adjudicated for the offense of: (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age; (b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age; (c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age; (d) Enticement of a child under section 566.151; (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age; (f) Sexual exploitation of a minor under section 573.023; (g) Promoting child pornography in the first degree under section 573.025; (h) Promoting child pornography in the second degree under section 573.035; (i) Patronizing prostitution under section 567.030; (j) Sexual contact with a prisoner or offender*under section 566.145 if the victim is thirteen to seventeen years of age; (k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age; (l) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or (m) Age misrepresentation with intent to solicit a minor under section 566.153; (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or (3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248. 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include: (1) Any offender registered as a predatory sexual offender as defined in section 566.123**or a persistent sexual offender as defined in section 566.124**; (2) Any offender who has been adjudicated for the crime of: (a) Rape in the first degree under section 566.030; (b) Statutory rape in the first degree under section 566.032; (c) Rape in the second degree under section 566.031; (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature; (e) Sodomy in the first degree under section 566.060; (f) Statutory sodomy

under section 566.062; (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age; (h) Sodomy in the second degree under section 566.061; (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense; (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age; (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian; (l) Child kidnapping under section 565.115; (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year; (n) Incest under section 568.020; (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age; (p) Child molestation in the first degree under section 566.067; (q) Child molestation in the second degree under section 566.068; (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age; (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age; (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age; (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age; (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age; (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age; (x) Sexual trafficking of a child in the first degree under section 566.210; (y) Sexual trafficking of a child in the second degree under section 566.211; (z) Genital mutilation of a female child under section 568.065; (aa) Statutory rape in the second degree under section 566.034; (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age; (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year; (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender; (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age; (ff) Sexual contact with a prisoner or offender*under section 566.145 if the victim is under thirteen years of age; (gg) Sexual intercourse with a prisoner or offender*under section 566.145; (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age; (ii) Use of a child in a sexual performance under section 573.200; or (jj) Promoting a sexual performance by a child under section 573.205; (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion; (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section. 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state."Part-time"in this subsection means for more than seven days in any twelve-month period. 9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier. ---------- (L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602, A.L. 2003 S.B. 5 merged with S.B. 184, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2018 S.B. 655) *Offense of "sexual contact with a prisoner or offender" changed to "sexual contact in the course of public duty" by S.B. 26 and S.B. 53 &60, 2021. **Sections 566.123 and 566.124 do not exist, the terms referenced are defined in section 566.125. (2009) Section is constitutional and does not operate retrospectively for those who committed offenses prior to its effective date as long as plea or conviction occurred after effective date. State v. Holden, 278 S.W.3d 674 (Mo.banc). (2011) Section requiring sex offenders to report change in employment status does not violate constitutional prohibition against retrospective laws as applied to offender whose conviction predated statute's enactment. State v. Guyer, 353 S.W.3d 458 (Mo.App.W.D.). (2012) Section requires updating status on sexual offense registry within three days of changing residence, rather than updating status only after obtaining new permanent residence. State v. Kelly, 367 S.W.3d 629 (Mo.App.E.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.415 - Probation and parole officers to notify law enforcement of sex offender change of residence, when — probation officer defined.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.415. Probation and parole officers to notify law enforcement of sex offender change of residence, when — probation officer defined. —1. Any probation officer or parole officer assigned to a sexual offender who is required to register pursuant to sections 589.400 to 589.425 shall notify the appropriate law enforcement officials whenever the officer has reason to believe that the offender will be changing his or her residence. Upon obtaining the new address where the offender expects to reside, the officer shall report such address to the chief law enforcement official with whom the offender last registered and the chief law enforcement official of the county having jurisdiction over the new residence, if different. The officer shall also inform the offender of the offender's duty to register.

However, nothing in this section shall affect the offender's duty to register, pursuant to sections 589.400 to 589.425. 2. As used in this section, the term"probation officer"includes any agent of a private entity assigned to provide probation supervision services to an offender due to the offender's status as a sexual offender who is required to register pursuant to sections 589.400 to 589.425. ---------- (L. 2004 H.B. 1055)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.417 - Statements, photographs and fingerprints required not to be public records — disclosure authorized for law enforcement officials and agencies — complete list of offenders maintained — released upon request.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.417. Statements, photographs and fingerprints required not to be public records — disclosure authorized for law enforcement officials and agencies — complete list of offenders maintained — released upon request. —1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610 and are not public records as defined in section 610.010, and shall be available only to courts, prosecutors and law enforcement agencies. 2. Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the chief law enforcement official of the county. ---------- (L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al.) Effective 1-01-99

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.420 - Temporary assignment outside correctional facility or mental health institution — official in charge to notify before release — exception.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.420. Temporary assignment outside correctional facility or mental health institution — official in charge to notify before release — exception. —In any case where any person who would be required by sections 589.400 to 589.425 to register is temporarily sent outside a correctional facility or a mental health institution where the person is confined, on any assignment of whatever nature, the chief law enforcement official of the county having jurisdiction over the place where the assignment occurs shall be notified by the official in charge of the correctional facility or mental health institution within a reasonable time prior to removal from the correctional facility or mental health institution. This section shall not apply to any person temporarily released under guard from the correctional facility or mental health institution in which such person is confined. ---------- (L. 1997 H.B. 883)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.425 - Failure to register, penalty — subsequent violations, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.425. Failure to register, penalty — subsequent violations, penalty. —1. A person commits the crime of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 and fails to comply with any requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class E felony unless the person is required to register based on having committed an offense in chapter 566 which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class D felony. 2. A person commits the crime of failing to register as a sex offender as a second offense by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a second offense is a class E felony unless the person is required to register based on having committed an offense in chapter 566, or an offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which if committed in this state would be an offense under chapter 566 which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class D felony. 3. (1) A person commits the crime of failing to register as a sex offender as a third offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on two or more occasions, previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a third offense is a felony which shall be punished by a term of imprisonment of not less than ten years and not more than thirty years. (2) No court may suspend the imposition or execution of sentence of a person who pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No court may sentence such person to pay a fine in lieu of a term of imprisonment. (3) A person sentenced under this subsection shall not be eligible for conditional release or parole until he or she has served at least two years of imprisonment. (4) Upon release, an offender who has committed failing to register as a sex offender as a third offense shall be electronically monitored as a mandatory condition of supervision. Electronic monitoring may be based on a global positioning system or any other technology which identifies and records the offender's location at all times. ---------- (L. 1997 H.B. 883, A.L. 1998 H.B. 1405, et al., A.L. 2000 S.B. 757 & 602, A.L. 2004 H.B. 1055, A.L. 2006 H.B. 1698, et al., A.L. 2008 S.B. 714, et al., A.L. 2009 H.B. 62, A.L. 2014 S.B. 491) Effective 1-01-17

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.426 - Halloween, restrictions on conduct — violations, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.426. Halloween, restrictions on conduct — violations, penalty. —1. Any person required to register as a sexual offender under sections 589.400 to 589.425 shall be required on October thirty-first of each year to: (1) Avoid all Halloween-related contact with children; (2) Remain inside his or her residence between the hours of 5 p.m. and 10:30 p.m. unless required to be elsewhere for just cause, including but not limited to employment or medical emergencies; (3) Post a sign at his or her residence stating, "No candy or treats at this residence"; and (4) Leave all outside residential lighting off during the evening hours after 5 p.m. 2. Any person required to register as a sexual offender under sections 589.400 to 589.425 who violates the provisions of subsection 1 of this section shall be guilty of a class A misdemeanor. ---------- (L. 2008 S.B. 714, et al.) (2024) Missouri's requirement that registered sex offenders post a sign stating "No candy or treats at this residence" on October thirty-first violates the First Amendment prohibition of compelled speech. This only relates to the enforcement of section 589.426.1(3) of the Halloween Statute and does not affect the validity of its other sections. Sanderson v. Bailey, 4:23CV1242 JAR, October 2, 2024 (E.D.Mo.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.500 - Title.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.500. Title. —Sections 589.500 to 589.569 may be cited as "The Interstate Compact for Adult Offender Supervision". ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.503 - Purpose.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.503. Purpose. —The compacting states to this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the Bylaws and Rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the Interstate Commission created hereunder, through means of joint and cooperative action among the compacting states: to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and to equitably distribute the costs, benefits and obligations of the compact among the compacting states. In addition, this compact will: create an Interstate Commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact; ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of Compact activities to heads of state councils, state executive, judicial, and legislative branches and criminal justice administrators; monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity. The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and Bylaws and Rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.506 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.506. Definitions. —As used in this compact, unless the context clearly requires a different construction: (1)"Adult"means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law; (2)"By-laws"mean those by-laws established by the Interstate Commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct; (3)"Compact Administrator"means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under

this compact; (4)"Compacting state"means any state which has enacted the enabling legislation for this compact; (5)"Commissioner"means the voting representative of each compacting state appointed pursuant to Article III of this compact; (6)"Interstate Commission"means the Interstate Commission for Adult Offender Supervision established by this compact; (7)"Member"means the commissioner of a compacting state or designee, who shall be a person officially connected with the commissioner; (8)"NonCompacting state"means any state which has not enacted the enabling legislation for this compact; (9)"Offender"means an adult placed under, or subject, to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies; (10)"Person"means any individual, corporation, business enterprise, or other legal entity, either public or private; (11)"Rules"means acts of the Interstate Commission, duly promulgated pursuant to Article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states; (12)"State"means a state of the United States, the District of Columbia and any other territorial possessions of the United States; (13)"State Council"means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this compact. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.509 - Compact commission, duties, members, voting — executive committee established.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.509. Compact commission, duties, members, voting — executive committee established. —1. The compacting states hereby create the "Interstate Commission for Adult Offender Supervision". The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact. 2. The Interstate Commission shall consist of Commissioners selected and appointed by resident members of a State Council for Interstate Adult Offender Supervision for each state. In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members as it deems necessary. 3. Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public. 4. The Interstate Commission shall establish an Executive Committee which shall include commission officers, members and others as shall be determined by the By-laws. The Executive Committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and as directed by the Interstate Commission and performs other duties as directed by Commission or set forth in the By-laws. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.512 - Commissioner appointed, membership of state council.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.512. Commissioner appointed, membership of state council. —Each member state shall create a State Council for Interstate Adult Offender Supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the Compact Administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determining the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups and compact administrators. Each compacting state retains the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the Governor in consultation with the Legislature and the Judiciary. In addition to appointment of its commissioner to the National Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including but not limited to, development of policy concerning operations and procedures of the compact within that state. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.515 - Commission powers and duties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.515.

Commission powers and duties. —The Interstate Commission shall have the following powers: (1) To adopt a seal and suitable by-laws governing the management and operation of the Interstate Commission; (2) To promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact; (3) To oversee, supervise and coordinate the interstate movement of offenders subject to the terms of this compact and any by-laws adopted and rules promulgated by the compact commission; (4) To enforce compliance with compact provisions, Interstate Commission rules, and by-laws, using all necessary and proper means, including but not limited to, the use of judicial process; (5) To establish and maintain offices; (6) To purchase and maintain insurance and bonds; (7) To borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs; (8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder; (9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel; (10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same; (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed; (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed; (13) To establish a budget and make expenditures and levy dues as provided in Article X of this compact; (14) To sue and be sued; (15) To provide for dispute resolution among compacting state; (16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; (17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission; (18) To coordinate education, training and public awareness regarding the interstate movement of offenders for officials involved in such activity; (19) To establish uniform standards for the reporting, collecting, and exchanging of data. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.518 - Bylaws, organization and operation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.518. Bylaws, organization and operation. —The Interstate Commission shall, by a majority of the Members, within twelve months of the first Interstate Commission meeting, adopt By-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact, including, but not limited to: (1) Establishing the fiscal year of the Interstate Commission; (2) Establishing an executive committee and such other committees as may be necessary; (3) Providing reasonable standards and procedures: (a) For the establishment of committees; and (b) Governing any general or specific delegation of any authority or function of The Interstate Commission; (4) Providing reasonable procedures for calling and conducting meetings of The Interstate Commission, and ensuring reasonable notice of each such meeting; (5) Establishing the titles and responsibilities of The officers of the Interstate Commission; (6) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any, The By-laws shall exclusively govern the personnel policies and programs of the Interstate Commission; and (7) Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations; (8) Providing transition rules for "start up" administration of the compact; establishing standards and procedures for compliance and technical assistance in carrying out The compact. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.521 - Chairperson and vice chairperson elected, duties — executive director appointed, duties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.521. Chairperson and vice chairperson elected, duties — executive director appointed, duties. —1. The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the By-laws. The chairperson or, in his or her absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The Officers so elected shall serve without compensation or remuneration from the Interstate Commission; PROVIDED THAT, subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission. 2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and condition and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.524 - Maintenance of corporate books and records.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.524. Maintenance of corporate books and records. —The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.527 - Qualified immunity, defense and indemnification.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.527. Qualified immunity, defense and indemnification. —1. The Members, officers, executive director and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities; PROVIDED, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person. The Interstate Commission shall defend the Commission of a compacting state, or his or her representatives or employees, or the Interstate Commission's representatives or employees, in any civil action seeking to impose liability, arising our of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing such act, error or omission occurred within the scope of Interstate Commission employment, duties or responsibilities: --PROVIDED, that the actual or alleged act, error or omission did not result from intentional wrongdoing on the part of such person. 2. The Interstate Commission shall indemnify and hold the Commissioner of a compacting state, the appointed designee or employees, harmless in the amount of any settlement or judgement obtained against such persons arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing such act, error or omission occurred within the scope of Interstate Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from gross negligence or intentional wrongdoing on the part of such person. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.530 - Actions of commission, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.530. Actions of commission, procedure. —1. The Interstate Commission shall meet and take such actions as are consistent with the provisions of this Compact. 2. Except as otherwise provided in this Compact and unless a greater percentage is required by the By-Laws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present. 3. Each Member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A Member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a State Council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The By-Laws may provide for Members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication shall be subject to the same quorum requirements of meetings where members are present in person. 4. The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the Members, shall call additional meetings. 5. The Interstate Commission's By-Laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such Rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions. 6. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission shall promulgate Rules consistent with the principles contained in the "Government in Sunshine Act," 5 U.S.C. Section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to: (1) Relate solely to the Interstate Commission's internal personnel practices and procedures; (2) Disclose matters specifically exempted from disclosure by statute; (3) Disclosure trade secrets or commercial or financial information which is privileged or confidential; (4) Involve accusing any person of a crime, or formally censuring any person; (5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; (6) Disclose investigatory records compiled for law enforcement purposes; (7) Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of or for the use of, the

Interstate Commission with respect to regulated entity for the purpose of regulation or supervision of such entity; (8) Disclose information, the premature disclosure of which would significantly endanger the life or a person or the stability of a regulated entity; (9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding. 7. For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in his or her opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of all rollcall vote (reflected in the vote of each Member on the question). All documents considered in connection with any action shall be identified in such minutes. 8. The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its By-laws and Rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.533 - Rulemaking authority, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.533. Rulemaking authority, procedure. —1. The Interstate Commission shall promulgate Rules in order to effectively and efficiently achieve the purposes of the Compact including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states; 2. Rulemaking shall occur pursuant to the criteria set forth in this Article and the By-laws and Rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. Section 551 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2, section 1 et seq., as may be amended (hereinafter "APA"). 3. All Rules and amendments shall become binding as of the date specified in each Rule or amendment. 4. If a majority of the legislatures of the compacting states rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such Rule shall have no further force and effect in any compacting state. 5. When promulgating a Rule, the Interstate Commission shall: (1) Publish the proposed Rule stating with particularity the text of the Rule which is proposed and the reason for the proposed Rule; (2) Allow persons to submit written data, facts, opinions and arguments, which information shall be publicly available; (3) Provide an opportunity for an informal hearing; and (4) Promulgate a final Rule and its effective date, if appropriate, based on the rulemaking record. 6. Not later than sixty days after a Rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such Rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence, (as defined in the APA), in the rulemaking record, the court shall hold the Rule unlawful and set it aside. Subjects to be addressed within twelve months after the first meeting must at a minimum include: (1) Notice to victims and opportunity to be heard; (2) Offender registration and compliance; (3) Violations/returns; (4) Transfer procedures and forms; (5) Eligibility for transfer; (6) Collection of restitution and fees from offenders; (7) Data collection and reporting; (8) The level of supervision to be provided by the receiving state; (9) Transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; (10) Mediation, arbitration and dispute resolution. 7. The existing rules governing the operation of the previous compact superceded by sections 589.500 to 589.569 shall be null and void twelve months after the first meeting of the Interstate Commission created hereunder. 8. Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.536 - Oversight.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.536. Oversight. —1. The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states. 2. The courts and executive agencies in each compacting state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.539 - Dispute resolution.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.539. Dispute resolution. —1. The compacting states shall report to the Interstate Commission on issues or activities of concern to them, and

cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities. 2. The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the Compact and which may arise among compacting states and noncompacting states. 3. The Interstate Commission shall enact a By-law or promulgate a Rule providing for both mediation and binding dispute resolution for disputes among the compacting states. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.542 - Enforcement.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.542. Enforcement. —The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in Article XII, Section B, of this compact. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.545 - Payment of expenses — annual assessment collected — incurring of obligations, restrictions — accounts maintained.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.545. Payment of expenses — annual assessment collected — incurring of obligations, restrictions — accounts maintained. —1. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities. 2. The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a Rule binding upon all compacting states which governs said assessment. 3. The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state. 4. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.548 - Eligibility of compacting states — effective date of compact — amendments.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.548. Eligibility of compacting states — effective date of compact — amendments. —1. Any state, as defined in Article II of this compact, is eligible to become a compacting state. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than thirty-five of the States. The initial effective date shall be the latter of July 1, 2001, or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become effective and binding, as to any other compacting state, upon enactment of the Compact into law by that state. The governors of Nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States. 2. Amendments to the Compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states. ---------- (L. 2000 H.B. 1321) Effective 6-19-02; see subsection 1 of this section Revisor's Note: On June 19, 2002, Pennsylvania became the thirty-fifth jurisdiction to enact this Compact into law.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.554 - Default.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.554. Default. —1. If the Interstate Commission determines that any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this Compact, the By-laws or any duly promulgated Rules, the Interstate Commission may impose any or all of the following penalties: (1) Fines, fees and costs in such amounts as are deemed to be responsible as fixed by the Interstate Commission; (2) Remedial training and technical assistance as directed by the Interstate Commission; (3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the By-laws and Rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council. 2. The grounds for default include, but are not limited to, failure of a compacting

state to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed therein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by the Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the defaulting state's legislature and the state council of such termination. 3. The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination. 4. The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the Rules. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.557 - Judicial enforcement.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.557. Judicial enforcement. —The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable fees. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.560 - Dissolution of compact.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.560. Dissolution of compact. —The Compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the Compact to one compacting state. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.563 - Severability clause.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.563. Severability clause. —1. The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable. 2. The provisions of this Compact shall be liberally constructed to effectuate its purposes. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.566 - Effect of other laws.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.566. Effect of other laws. —1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this Compact. 2. All compacting states' laws conflicting with this Compact are superseded to the extent of the conflict. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.569 - Binding effect of the compact.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.569. Binding effect of the compact. —1. All lawful actions of the Interstate Commission, including all Rules and By-laws promulgated by the Interstate Commission, are binding upon the compacting states. 2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms. 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation. 4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction

shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective. ---------- (L. 2000 H.B. 1321) Effective 6-19-02, see § 589.548

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.660 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.660. Definitions. —As used in sections 589.660 to 589.681, the following terms mean: (1)"Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant; (2)"Application assistant", an employee or volunteer of a government agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, human trafficking, stalking, or other crimes who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications; (3)"Designated address", the address assigned to a program participant by the secretary; (4)"Mailing address", an address that is recognized for delivery by the United States Postal Service; (5)"Program", the address confidentiality program established in section 589.663; (6)"Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program; (7)"Secretary", the secretary of state. ---------- (L. 2007 H.B. 583, A.L. 2016 H.B. 1562, A.L. 2018 H.B. 1461)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.663 - Program created, purpose, procedures.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.663. Program created, purpose, procedures. —There is created in the office of the secretary of state a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, rape, sexual assault, human trafficking, stalking, or other crimes who fear for their safety, as well as the safety of individuals residing in the same household as the victim, by authorizing the use of designated addresses for such victims, their minor children, and individuals residing with them. The program shall be administered by the secretary under the following application and certification procedures: (1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person; (2) The secretary may approve an application if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application shall contain: (a) The date the application was prepared, the applicant's signature, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant; (b) A designation of the secretary as agent for purposes of service of process and for receipt of first class mail, legal documents, and certified mail; (c) A statement that the applicant has good reason to believe that he or she: a. Is a victim or resides in the same household as a victim; and b. Fears future harm; (d) A mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and (e) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household; (3) Upon receipt of a completed application, the secretary may certify the applicant as a program participant. A program participant is certified for four years following the date of initial certification unless the certification is withdrawn by the applicant or cancelled by the secretary before that date. The secretary shall send notification of an expiring certification and a renewal form to a program participant at least four weeks prior to the expiration of the program participant's certification. The renewal need only be signed by the applicant and need not be made before an application assistant; (4) The secretary shall forward first class mail, legal documents, and certified mail to the appropriate program participants; (5) This section shall be liberally construed as to not hold omissions by the secretary against participants or applicants. ---------- (L. 2007 H.B. 583, A.L. 2016 H.B. 1562, A.L. 2018 H.B. 1461) (2019) Section which shields program participant actual residential address from disclosure is violated when dissolution judgment orders the disclosure of minor child's actual address who is residing with program participant. Hannah v. Hannah, 568 S.W.3d 451 (Mo.App. W.D.).

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.664 - Disclosure of address, when — notice — limitation on dissemination.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.664. Disclosure of address, when — notice — limitation on dissemination. —1. If an individual is deemed a participant in the address confidentiality program by the secretary of state, no person or entity shall be compelled to disclose the participant's actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first finds, on the record, that: (1) There is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and (2) There is no other practicable way of obtaining the information or evidence. 2. The court shall first provide the program participant and the secretary notice that address disclosure is sought. 3. The program participant shall have an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court shall consider whether the potential

harm to the safety of the participant is outweighed by the interest in disclosure. 4. Notwithstanding any other provision of law to the contrary, no court shall order an individual who has had his or her application to the program accepted by the secretary to disclose his or her actual address or the location of his or her residence without giving the secretary proper notice. The secretary shall have the right to intervene in any civil proceeding in which a court is considering ordering a participant to disclose his or her actual address. 5. Disclosure of a participant's actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no greater than necessary for the purposes of the investigation, prosecution, or litigation. 6. Nothing in this section shall be construed to prevent the court or any other tribunal from issuing a protective order to prevent the disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location. ---------- (L. 2017 S.B. 34, A.L. 2018 H.B. 1461)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.666 - Cancellation of certification, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.666. Cancellation of certification, when. —Certification of a program participant may be cancelled by the secretary if one or more of the following conditions apply: (1) If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within ten business days of the name change; (2) If there is a change in the mailing address for the person listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; (3) The participant relocates outside of the state of Missouri; or (4) The applicant or program participant violates subdivision (2) of section 589.663. ---------- (L. 2007 H.B. 583, A.L. 2018 H.B. 1461)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.669 - Address accepted as participant's address, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.669. Address accepted as participant's address, when. —Upon demonstration that an applicant has been accepted into the program by the secretary, government agencies and the courts shall accept the designated address as a program participant's address when creating a new public record unless the secretary has determined that: (1) An agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address and is unable to fulfill its statutory duties and obligations without the address; and (2) The program participant's address or mailing address shall be used only for those statutory and administrative purposes and shall not be made publicly available. ---------- (L. 2007 H.B. 583, A.L. 2018 H.B. 1461)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.672 - Availability of participant addresses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.672. Availability of participant addresses. —If the secretary deems it appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances: (1) If a law enforcement agency requests it in the manner provided for by rule; or (2) If a director of a government agency or the director's designee requests it in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the director or the director's designee is unable to fulfill statutory duties and obligations without the address or mailing address. ---------- (L. 2007 H.B. 583, A.L. 2018 H.B. 1461)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.675 - Inspection and copying of addresses, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.675. Inspection and copying of addresses, when. —If the secretary deems it appropriate, the secretary may make a program participant's address and mailing address available for inspection or copying to a person identified in a court order, upon the secretary's receipt of such court order that complies with section 589.664*. ---------- (L. 2007 H.B. 583, A.L. 2017 S.B. 34) *Section number "559.664" appears in original rolls, which does not exist.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.678 - Application, supporting materials, and communications not public records.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.678. Application, supporting materials, and communications not public records. —A program participant's application, all supporting materials, and all communications with the secretary of state's address confidentiality program are not public records and are exempt from chapter 610. ---------- (L. 2007 H.B. 583, A.L. 2018 H.B. 1461)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.681 - Rulemaking authority.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.681. Rulemaking authority. —The secretary shall promulgate rules to establish and administer the address confidentiality program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 589.660 to 589.681 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void. ---------- (L. 2007 H.B. 583)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 589 - Crime Prevention and Control Programs and ServicesSection 589.683 - Inapplicability of Missouri sunset act.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 589 589.683. Inapplicability of Missouri sunset act. —Section 23.253 of the Missouri sunset act shall not apply to any program established pursuant to sections 589.660 to 589.681. ---------- (L. 2007 H.B. 583, A.L. 2011 S.B. 320)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.010 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 *590.010. Definitions. —As used in this chapter, the following terms mean: (1)"Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer; (2)"Director", the director of the Missouri department of public safety or his or her designated agent or representative; (3)"Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute; (4)"POST commission", the peace officer standards and training commission; (5)"Reserve peace officer", a peace officer who regularly works less than thirty hours per week; (6)"School protection officer", an elementary or secondary school teacher or administrator who has been designated as a school protection officer by a school district. ---------- (L. 2001 H.B. 80, A.L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.020 - Peace officer license required, when — classes of officers established — no license required, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.020. Peace officer license required, when — classes of officers established — no license required, when. —1. No person shall hold a commission as a peace officer without a valid peace officer license. 2. The director shall establish various classes of peace officer license and may provide that certain classes are not valid for commission within counties of certain classifications, by certain state agencies, or for commission as other than a reserve peace officer with police powers restricted to the commissioning political subdivision. 3. Notwithstanding any other provision of this chapter, no license shall be required: (1) Of any person who has no power of arrest; (2) To seek or hold an elected county office, subject to such requirements as chapter 57 may impose; (3) To be commissioned pursuant to section 64.335 as a park ranger not carrying a firearm; (4) To be commissioned as a peace officer by a political subdivision having less than four full-time paid peace officers or a population less than two thousand, provided that such commission was in effect on August 28, 2001, and continually since that date, and provided that this exception shall not apply to any commission within a county of the first class having a charter form of government; (5) Of any reserve officer continually holding the same commission since August 15, 1988; or (6) For any person continually holding any commission as a full-time peace officer since December 31, 1978. 4. Any political subdivision or law enforcement agency may require its peace officers to meet standards more stringent than those required for licensure pursuant to this chapter. ---------- (L. 2001 H.B. 80)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.030 - Basic training, minimum standards established — age, citizenship and education requirements established by director — issuance of a license — federal Rap Back program, agencies to enroll.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.030. Basic training, minimum standards established — age, citizenship and education requirements established by director — issuance of a license — federal Rap Back program, agencies to enroll. —1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020. 2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate. 3. The director shall provide for the licensure, with or without additional basic training, of peace officers

possessing credentials by other states or jurisdictions, including federal and military law enforcement officers. 4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met. 5. As conditions of licensure, all licensed peace officers shall: (1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; (2) Maintain a current address of record on file with the director; and (3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace officer is commissioned with a different law enforcement agency, for the purposes of a criminal history background check and enrollment in the state and federal Rap Back programs, pursuant to section 43.540. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the officer's commissioning law enforcement agency at the time of enrollment and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps to maintain enrollment in Rap Back at all law enforcement agencies where the officer is commissioned for as long as the officer is commissioned with a law enforcement agency or that agency. 6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter. 7. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022, and continue to remain enrolled. The law enforcement agency shall take all necessary steps to maintain officer enrollment for all officers commissioned with that agency in the Rap Back programs. An officer shall submit to being fingerprinted at any law enforcement agency upon commissioning and for as long as the officer is commissioned with that agency. ---------- (L. 2001 H.B. 80, A.L. 2009 S.B. 47, A.L. 2021 S.B. 26 merged with S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.033 - Chief of police training course, POST commission to establish minimum standards — exemption, when — failure to complete, loss of funds — compensation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.033. Chief of police training course, POST commission to establish minimum standards — exemption, when — failure to complete, loss of funds — compensation. —1. The POST commission shall establish minimum standards for a chief of police training course which shall include at least forty hours of training. All police chiefs appointed after August 28, 2023, shall attend a chief of police training course certified by the POST commission not later than six months after the person's appointment as a chief of police. 2. A chief of police may request an exemption from the training in subsection 1 of this section by submitting to the POST commission proof of completion of the Federal Bureau of Investigation's national academy course or any other equivalent training course within the previous ten years or at least five years of experience as a police chief in a Missouri law enforcement agency. 3. Any law enforcement agency who has a chief of police appointed after August 28, 2023, who fails to complete a chief of police training course within six months of appointment shall be precluded from receiving any POST commission training funds, state grant funds, or federal grant funds until the police chief has completed the training course. 4. While attending a chief of police training course, the chief of police shall receive compensation in the same manner and amount as if carrying out the powers and duties of the chief of police. The cost of the chief of police training course may be paid by moneys from the peace officer standards and training commission fund created in section 590.178. ---------- (L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.040 - Minimum hours of basic training required.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.040. Minimum hours of basic training required. —1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than six hundred, with the following exceptions: (1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency; (2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision; (3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training; (4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; (5) Persons serving as a reserve officer on August 27, 2001, within a county of the first classification or a county with a charter form of government and with more than one million inhabitants on August 27, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer only within such county. For the purposes of this subdivision, the term"reserve officer"shall mean any person who serves in a less than full-time law enforcement capacity, with or without pay and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty; and (6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure. 2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same

commission or transferring to a commission in a similar jurisdiction. 3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the children's division, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. ---------- (L. 2001 H.B. 80, A.L. 2005 H.B. 353, A.L. 2007 H.B. 41, A.L. 2014 H.B. 1299 Revision, A.L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.050 - Continuing education requirements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.050. Continuing education requirements. —1. The POST commission shall establish requirements for the continuing education of all peace officers. Peace officers who make traffic stops shall be required to receive three hours of training within the law enforcement continuing education three-year*reporting period concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, noncombative methods for carrying out law enforcement duties in a racially and culturally diverse environment. 2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536. 3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency. 4. The director may engage in any activity intended to further the professionalism of peace officers through training and education, including the provision of specialized training through the department of public safety. ---------- (L. 2001 H.B. 80, A.L. 2008 H.B. 2224 merged with S.B. 930 & 947 merged with S.B. 932) *Word "hour" appears here in original rolls of S.B. 930 & 947, 2008.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.060 - Minimum standards for training instructors and centers — licensure of instructors — background check required, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.060. Minimum standards for training instructors and centers — licensure of instructors — background check required, when. —1. The POST commission shall establish minimum standards for training instructors and training centers, and the director shall establish minimum qualifications for admittance into a basic training course. 2. The director shall license training instructors, centers, and curricula, and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision pursuant to this subsection may appeal as provided in chapter 536. 3. Each person seeking entrance into a basic training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center where such person is seeking entrance. The training center shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the director. The person seeking entrance may be charged a fee for the cost of this procedure. ---------- (L. 2001 H.B. 80)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.070 - Commissioning and departure of peace officers, director to be notified — immunity from liability, chief executive officer, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.070. Commissioning and departure of peace officers, director to be notified — immunity from liability, chief executive officer, when. —1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current criminal history background check and to forward the resulting report to the director. 2. The chief executive officer of each law enforcement agency shall, within thirty days after any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify the director on a form to be adopted by the director. Such notice shall state the circumstances surrounding the departure from employment or loss of commission and shall specify any of the following that apply: (1) The officer failed to meet the minimum qualifications for commission as a peace officer; (2) The officer violated municipal, state or federal law; (3) The officer violated the regulations of the law enforcement agency; or (4) The officer was under investigation for violating municipal, state or federal law, or for gross violations of the law enforcement agency regulations. 3. Whenever the chief executive officer of a law enforcement agency has reasonable grounds to believe that any peace officer commissioned by the agency is subject to

discipline pursuant to section 590.080, the chief executive officer shall report such knowledge to the director. 4. Notwithstanding any other provision of law to the contrary, the chief executive officer of each law enforcement agency has absolute immunity from suit for compliance with this section, unless the chief executive officer presented false information to the director with the intention of causing reputational harm to the peace officer. ---------- (L. 2001 H.B. 80, A.L. 2021 S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.075 - Candidates for commissioning, chief executive officer to request copy of notifications under 590.070 — certified copy prior to commissioning.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.075. Candidates for commissioning, chief executive officer to request copy of notifications under 590.070 — certified copy prior to commissioning. —The chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the director of all notifications received pursuant to section 590.070 and the director shall provide all notifications stored electronically to the chief executive officer who requested the notifications within three business days after receipt of request. If the director receives any additional notifications regarding the candidate for commissioning within sixty days of a chief executive officer's request under this section, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within three business days following receipt. ---------- (L. 2021 S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.080 - Discipline of peace officers, grounds — complaint filed, hearing.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.080. Discipline of peace officers, grounds — complaint filed, hearing. —1. As used in this section, the following terms shall mean: (1)"Gross misconduct", includes any willful and wanton or unlawful conduct motivated by premeditated or intentional purpose or by purposeful indifference to the consequences of one's acts; (2)"Moral turpitude", the wrongful quality shared by acts of fraud, theft, bribery, illegal drug use, sexual misconduct, and other similar acts as defined by the common law of Missouri; (3)"Reckless disregard", a conscious disregard of a substantial risk that circumstances exist or that a result will follow, and such failure constitutes a gross deviation from the standard of care that a reasonable peace officer would exercise in the situation. 2. The director shall have cause to discipline any peace officer licensee who: (1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety; (2) Has committed any criminal offense, whether or not a criminal charge has been filed, has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, or the United States, or of any country, regardless of whether or not sentence is imposed; (3) Has committed any act that involves moral turpitude or a reckless disregard for the safety of the public or any person; (4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter; (5) Has violated a condition of any order of probation lawfully issued by the director; (6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter; (7) Has tested positive for a controlled substance, as defined in chapter 195, without a valid prescription for the controlled substance, except as otherwise provided by law or by any provision of the Constitution of Missouri; (8) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or (9) Has committed any act of gross misconduct indicating inability to function as a peace officer. 3. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section. 4. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing. 5. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130*. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication. 6. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline. 7. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved. ---------- (L. 2001 H.B. 80, A.L. 2023 S.B. 186) *Section 590.130 was repealed by H.B. 80, 2001. (2019) Section involving grounds for disciplining a peace officer does not violate the separation of powers; the authority given the Administrative Hearing Commission to make a factual determination does not include adjudication of the licensee's criminal liability or imposition of criminal punishment. O'Brien v. Department of Public Safety, 589 S.W.3d 560 (Mo.banc).

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.090 - Suspension of a license, when, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.090. Suspension of a license, when, procedure. —1. The director shall have cause to suspend immediately the peace officer license of any licensee who: (1) Is under indictment for, is charged with, or has been convicted of the commission of any felony; (2) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or (3) Presents a clear and present danger to the public health or safety if commissioned as a peace officer. 2. At any time after the filing of a disciplinary complaint pursuant to section 590.080, if the director determines that probable cause exists to suspend immediately the peace officer license of the subject of the complaint, the director may, without notice or hearing, issue an emergency order suspending such license until final determination of the disciplinary complaint. Such order shall state the probable cause for the suspension and shall be served upon the licensee by certified mail at the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130*. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. The director shall also notify the chief executive officer of any law enforcement agency currently commissioning the officer. The director shall have authority to dissolve an emergency order of suspension at any time for any reason. 3. A licensee subject to an emergency order of suspension may petition the administrative hearing commission for review of the director's determination of probable cause, in which case the administrative hearing commission shall within five business days conduct an emergency hearing, render its decision, and issue findings of fact and conclusions of law. Sworn affidavits or depositions shall be admissible on the issue of probable cause and may be held sufficient to establish probable cause. The administrative hearing commission shall have no authority to stay or terminate an emergency order of suspension without a hearing pursuant to this subsection. Findings and conclusions made in determining probable cause for an emergency suspension shall not be binding on any party in any proceeding pursuant to section 590.080. 4. Any party aggrieved by a decision of the administrative hearing commission pursuant to this section may appeal to the circuit court of Cole County as provided in section 536.100. ---------- (L. 2001 H.B. 80) *Section 590.130 was repealed by H.B. 80, 2001.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.100 - Denial of an application, when — review process.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.100. Denial of an application, when — review process. —1. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed. 2. When the director has knowledge of cause to deny an application pursuant to this section, the director may grant the application subject to probation or may deny the application. The director shall notify the applicant in writing of the reasons for such action and of the right to appeal pursuant to this section. 3. Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty days to the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for denial, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for denial or any rehabilitation of the applicant or otherwise impinge upon the discretion of the director to determine whether to grant the application subject to probation or deny the application when cause exists pursuant to this section. Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision. 4. Upon a finding by the administrative hearing commission that cause for denial exists, the director shall not be bound by any prior action on the matter and shall, within thirty days, hold a hearing to determine whether to grant the application subject to probation or deny the application. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing. 5. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission pursuant to this section and the rights and duties of the parties involved. ---------- (L. 1978 H.B. 879 & 899 § 1, A.L. 1988 S.B. 532, A.L. 1993 S.B. 268, A.L. 2001 H.B. 80)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.1040 - Peer support counseling session communications, confidentiality of — definitions — applicability.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.1040. Peer support counseling session communications, confidentiality of — definitions — applicability. —1. For purposes of this section, the following terms mean: (1)"Emergency services personnel", any employee or volunteer of an emergency services provider who is engaged in providing or supporting fire fighting, dispatching services, and emergency medical services; (2)"Emergency services provider", any public employer, or ground or air ambulance service as those terms are used in chapter 190, that employs persons to provide fire fighting, dispatching services, and emergency medical services; (3)"Employee assistance program", a program established by a law enforcement agency or emergency services provider to provide professional counseling or support services to

employees of a law enforcement agency, emergency services provider, or a professional mental health provider associated with a peer support team; (4)"Law enforcement agency", any public agency that employs law enforcement personnel; (5)"Law enforcement personnel", any person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Missouri or ordinances of any municipality thereof, or with a duty to maintain or assert custody or supervision over persons accused or convicted of a crime, while acting within the scope of his or her authority as an employee or volunteer of a law enforcement agency; (6)"Peer support counseling session", any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider; (7)"Peer support specialist", a person who: (a) Is designated by a law enforcement agency, emergency services provider, employee assistance program, or peer support team leader to lead, moderate, or assist in a peer support counseling session; (b) Is a member of a peer support team; and (c) Has received training in counseling and providing emotional and moral support to law enforcement officers or emergency services personnel who have been involved in emotionally traumatic incidents by reason of his or her employment; (8)"Peer support team", a group of peer support specialists serving one or more law enforcement providers or emergency services providers. 2. Any communication made by a participant or peer support specialist in a peer support counseling session, and any oral or written information conveyed in or as the result of a peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session. 3. Any communication relating to a peer support counseling session that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program, is confidential and may not be disclosed. 4. The provisions of this section shall apply only to peer support counseling sessions conducted by a peer support specialist. 5. The provisions of this section shall apply to all oral communications, notes, records, and reports arising out of a peer support counseling session. Any notes, records, or reports arising out of a peer support counseling session shall not be public records and shall not be subject to the provisions of chapter 610. Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence. 6. The provisions of this section shall not apply to any: (1) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act; (2) Information relating to abuse of spouses, children, or the elderly, or other information that is required to be reported by law; (3) Admission of criminal conduct; (4) Disclosure of testimony by a participant who received peer support counseling services and expressly consented to such disclosure; or (5) Disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and such surviving spouse or executor or administrator expressly consented to such disclosure. 7. The provisions of this section shall not prohibit any communications between peer support specialists who conduct peer support counseling sessions or any communications between peer support specialists and the supervisors or staff of an employee assistance program. 8. The provisions of this section shall not prohibit communications regarding fitness of an employee for duty between an employee assistance program and an employer. ---------- (L. 2018 H.B. 1355 merged with S.B. 870)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.1070 - Tuition reimbursement program established — POST commission duties — eligibility for reimbursement — rulemaking authority.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.1070. Tuition reimbursement program established — POST commission duties — eligibility for reimbursement — rulemaking authority. —1. There is hereby established within the department of public safety the "Peace Officer Basic Training Tuition Reimbursement Program". Any moneys appropriated by the general assembly for this program shall be used to provide tuition reimbursement for: (1) Qualifying Missouri residents who have paid tuition at a state-licensed basic law enforcement training center for the basic law enforcement training required for a peace officer license in this state and who have been employed as full-time peace officers in this state for a specified period; and (2) Qualifying government entities that have paid tuition for an employee to receive the basic law enforcement training required for a peace officer license in this state at a licensed basic law enforcement training center when such employee has been employed as a full-time peace officer for a specified period. 2. The Missouri POST Commission shall be the administrative agency for the implementation of the tuition reimbursement program established under this section, and shall: (1) Prescribe the form and the time and method of awarding tuition reimbursement under this section and shall supervise the processing thereof; and (2) Select qualifying recipients to receive reimbursement under this section and determine the manner and method of payment to the recipient. 3. To be eligible to receive tuition reimbursement under subdivision (1) of subsection 1 of this section, a person shall: (1) Be initially employed as a peace officer on or after September 1, 2023; (2) Submit to the commission an initial application for tuition reimbursement, and annually thereafter for each year of qualifying employment, in the manner and on a form prescribed by the commission that requires: (a) Employer verification of the person's employment as a full-time peace officer in this state for at least one year and the person's current employment as a peace officer in this state as of the date of the application; (b) A transcript containing the person's basic police training coursework and his or her date of graduation; and (c) A statement of the total amount of tuition the applicant paid to the basic training center for his or her basic training; (3) Be currently employed, and have completed at least one year of employment, as a full-time peace officer in this state; and (4) Comply with any other requirements adopted by the commission under this section. 4. To be eligible to receive tuition reimbursement under subdivision (2) of subsection

1 of this section, a government entity shall: (1) Be the employer of a peace officer who was initially employed on or after September 1, 2023; (2) Submit to the commission an initial application for tuition reimbursement, and annually thereafter for each year of the employee's qualifying employment, up to four years, in the manner and on a form prescribed by the commission that requires: (a) Verification of the employee's full-time employment as a peace officer in this state for at least one year and the employee's current employment as a peace officer in this state as of the date of the application; (b) A transcript containing the employee's basic police training coursework and his or her date of graduation; and (c) A statement of the total amount of tuition and fees the employer paid to the basic training center for the employee's basic training; (3) Certify that the employee is currently employed, and has completed at least one year of employment, as a full-time peace officer in this state; and (4) Comply with any other requirements adopted by the commission under this section. 5. Tuition reimbursement granted under this section, subject to the availability of funds, shall be reimbursed as follows: (1) At the end of one year of continuous employment as a full-time peace officer, an applicant or his or her employer, whichever applies, shall be eligible to receive reimbursement for twenty-five percent of the total tuition paid to a licensed basic training center; (2) At the end of two, three, and four years of continuous qualifying employment as a full-time peace officer, and submission of documents verifying continued full-time employment as a peace officer, an applicant or his or her employer, whichever applies, shall be eligible to receive reimbursement each year for twenty-five percent of the total tuition paid to a licensed basic training center. A government entity may qualify for tuition reimbursement under this subdivision for tuition paid for an employee even if such person is no longer employed by the government entity as long as the person for whom tuition was paid is still continuously employed as a full-time peace officer. 6. Notwithstanding any provision of this section to the contrary, the total amount of tuition reimbursement provided under this section to an eligible person, or to a government entity with respect to an employee, shall not exceed six thousand dollars per person or employee. 7. The department of public safety shall promulgate all necessary rules and regulations for the administration of the program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void. ---------- (L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.1075 - Tuition reimbursement fund created, use of moneys.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.1075. Tuition reimbursement fund created, use of moneys. —There is hereby created in the state treasury the "Peace Officer Basic Training Tuition Reimbursement Fund", which shall consist of moneys appropriated annually by the general assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of section 590.1070. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. ---------- (L. 2023 S.B. 186)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.110 - Investigation of denial of licensure, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.110. Investigation of denial of licensure, procedure. —1. The director may investigate any cause for the discipline of any license or denial of any application pursuant to this chapter. During the course of such investigation, the director shall have the power to inspect any training center, require by subpoena the attendance and sworn deposition of any witness and the production of any documents, records, or evidence that the director deems relevant. Subpoenas shall be served by a person authorized to serve subpoenas of courts of record. In lieu of the production of any document or record, the director may require that a sworn copy of such document or record be delivered to the director. 2. The director may apply to the circuit court of Cole County or of any county where the person resides or may be found for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. A show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If, after a hearing, the circuit court determines that the subpoena should be enforced, the court shall proceed to enforce the subpoena in the same manner as in a civil case. ---------- (L. 1978 H.B. 879 & 899 § 3, A.L. 1988 S.B. 532, A.L. 1993 S.B. 268, A.L. 1994 S.B. 475, A.L. 2001 H.B. 80)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.118 - Peace officer investigations made available to hiring law enforcement agencies.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.118. Peace officer investigations made available to hiring law enforcement agencies. —1. All completed investigations of alleged acts of a peace officer shall be made available to any hiring law enforcement agency. The transfer of any law enforcement agency record to

another law enforcement agency does not make the record a public record. 2. Any law enforcement agency with information showing a peace officer's unfitness for licensure shall provide such information to the peace officer's standards and training commission. ---------- (L. 2004 S.B. 1211)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.120 - Peace officer standards and training commission established — members, qualifications, appointment — terms — duties — removal from office — vacancies — chairperson, appointment — rules and regulations, authority.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.120. Peace officer standards and training commission established — members, qualifications, appointment — terms — duties — removal from office — vacancies — chairperson, appointment — rules and regulations, authority. —1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of eleven members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No more than two members of the POST commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the POST commission shall be police chiefs, three members shall be sheriffs, one member shall represent a state law enforcement agency covered by the provisions of this chapter, two members shall be peace officers at or below the rank of sergeant employed by a political subdivision, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession certified or regulated under this chapter. Each member of the POST commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by this chapter. No member of the POST commission serving a full term of three years may be reappointed to the POST commission until at least one year after the expiration of his most recent term. 2. Three of the original members of the POST commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the POST commission shall be for three years or until their successors are appointed. The director may remove any member of the POST commission for misconduct or neglect of office. Any member of the POST commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the POST commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term. No two members of the POST commission shall be employees of the same law enforcement agency. 3. Annually the director shall appoint one of the members as chairperson. The POST commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the POST commission shall constitute a quorum. 4. No member of the POST commission shall receive any compensation for the performance of his official duties. 5. The POST commission shall guide and advise the director concerning duties pursuant to this chapter. ---------- (L. 1978 H.B. 879 & 899 § 5, A.L. 1988 S.B. 532, A.L. 1993 S.B. 52 merged with S.B. 268, A.L. 1995 S.B. 3, A.L. 2001 H.B. 80, A.L. 2007 S.B. 270)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.1265 - Citation of law — definitions — use-of force incidents reporting, standards and procedures — publication of report data — analysis report.

There are multiple enactments of 590.1265 Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 *590.1265. Citation of law — definitions — use-of force incidents reporting, standards and procedures — publication of report data — analysis report. —1. The provisions of this section shall be known and may be cited as the "Police Use of Force Transparency Act of 2021". 2. For purposes of this section, the following terms mean: (1)"Law enforcement agency", the same meaning as defined in section 590.1040; (2)"Peace officer", the same meaning as defined in section 590.010; (3)"Use-of-force incident", an incident in which: (a) A fatality occurs that is connected to a use-of-force by a peace officer; (b) Serious bodily injury occurs that is connected to a use-of-force by a peace officer; or (c) In the absence of death or serious bodily injury, a peace officer discharges a firearm at, or in the direction of, a person. 3. Each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation. 4. Each law enforcement agency shall additionally report the data submitted under subsection 3 of this section to the department of public safety. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports. 5. The department of public safety shall, no later than June 30, 2022, develop standards and procedures governing the collection and reporting of use-of-force data under this section. The standards and procedures shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the Federal Bureau of Investigation. 6. The department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report. Such data shall be deemed a public record consistent with the

provisions and exemptions contained in chapter 610. 7. The department of public safety shall undertake an analysis of any trends and disparities in rates of use-of-force by all law enforcement agencies, with a report to be released to the public no later than January 1, 2025. The report shall be updated periodically thereafter, but not less than once every five years. ---------- (L. 2021 S.B. 26) *This section was enacted by both S.B. 26 and S.B. 53 & 60, 2021. Due to possible conflict, both versions are printed.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.1265 - Citation of law — definitions — use-of-force incidents reporting, standards and procedures — publication of report data — analysis report.

There are multiple enactments of 590.1265 Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 *590.1265. Citation of law — definitions — use-of-force incidents reporting, standards and procedures — publication of report data — analysis report. —1. The provisions of this section shall be known and may be cited as the "Police Use of Force Transparency Act of 2021". 2. For purposes of this section, the following terms mean: (1)"Law enforcement agency", the same meaning as defined in section 590.1040; (2)"Peace officer", the same meaning as defined in section 590.010; (3)"Serious physical injury", the same meaning as defined in section 556.061; (4)"Use-of-force incident", an incident in which: (a) A fatality occurs that is connected to a use of force by a peace officer; (b) Serious bodily injury occurs that is connected to a use of force by a peace officer; or (c) In the absence of death or serious physical injury, a peace officer discharges a firearm at, or in the direction of, a person. 3. Starting on March 1, 2022, and at least annually thereafter, each law enforcement agency shall collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports. 4. Each law enforcement agency shall additionally report the data submitted under subsection 3 of this section to the department of public safety. Law enforcement agencies shall not include personally identifying information of individual peace officers in their reports. 5. The department of public safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data under this section. The standards and procedures shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the Federal Bureau of Investigation. 6. By March 1, 2023, and at least annually thereafter, the department of public safety shall publish the data reported by law enforcement agencies under subsection 4 of this section, including statewide aggregate data and agency-specific data, in a publicly available report on the department of public safety's website. Such data shall be deemed a public record consistent with the provisions and exemptions contained in chapter 610. 7. The department of public safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated periodically thereafter, but not less than once every five years. ---------- (L. 2021 S.B. 53 & 60) *This section was contained in both S.B. 26 and S.B. 53 & 60, 2021. Due to possible conflict, both versions are printed.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.145 - Highway patrol academy fund created — use of funds therein.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.145. Highway patrol academy fund created — use of funds therein. —All moneys received by the Missouri state highway patrol for the training of peace officers who are not members of the state highway patrol shall be deposited in the state treasury to the credit of the "Highway Patrol Academy Fund" which is hereby created. Subject to section 33.080, balances from this fund shall be made available for the repair, maintenance, operation, and personal services required to operate the patrol academy and for no other purpose. ---------- (L. 1978 H.B. 879 & 899 § 10)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.178 - Peace officer standards and training commission fund established.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.178. Peace officer standards and training commission fund established. —1. There is hereby created in the state treasury the "Peace Officer Standards and Training Commission Fund". The peace officer standards and training commission fund shall be administered by the peace officer standards and training commission. Money in the fund shall be used solely for training required as provided in sections 590.100 to 590.180, or for additional training for peace officers or for training for other law enforcement employees appointed by the county or municipality as approved by the commission. All interest earned upon moneys in the fund shall be credited to the peace officer standards and training commission fund. 2. The provisions of section 33.080 to the contrary notwithstanding, moneys in the peace officer standards and training fund shall not be transferred and placed to the credit of the general revenue fund. ---------- (L. 1993 S.B. 268 § 1, A.L. 1994 S.B. 475)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.180 - Licensure status of peace officer inadmissible in determining validity of arrest — open records of peace officers.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.180. Licensure status of peace officer inadmissible in determining validity of arrest — open records of peace officers. —1. No arrest shall be deemed unlawful solely because of the licensure status of a peace officer, and evidence on the question cannot be received in any civil or criminal case. 2. The name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records retained by the director pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public or any member of the public, except with written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of voluntary interstate exchange of information, during the course of litigation involving the director, to other state agencies, or, upon a final determination of cause to discipline, to law enforcement agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this section shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege. 3. In any investigation, hearing, or other proceeding pursuant to this chapter, any record relating to any applicant or licensee shall be discoverable by the director and shall be admissible into evidence, regardless of any statutory or common law privilege or the status of any record as open or closed, including records in criminal cases whether or not a sentence has been imposed. No person or entity shall withhold records or testimony bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee on the ground of any privilege involving the applicant or licensee, with the exception of attorney-client privilege. 4. Any person or entity submitting information to the director pursuant to this chapter and doing so in good faith and without negligence shall be immune from all criminal and civil liability arising from the submission of such information and no cause of action of any nature shall arise against such person. 5. No person shall make any unauthorized use of any testing materials or certification examination administered pursuant to subsection 2 of section 590.030. ---------- (L. 1988 S.B. 532, A.L. 2001 H.B. 80)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.190 - Rulemaking authority.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.190. Rulemaking authority. —The director is authorized to promulgate rules and regulations to implement the provisions of this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. ---------- (L. 2001 H.B. 80, A.L. 2007 S.B. 270)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.192 - Critical incident stress management program, purpose — services to be provided — requirements — confidentiality of information — fund created, use of moneys.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.192. Critical incident stress management program, purpose — services to be provided — requirements — confidentiality of information — fund created, use of moneys. —1. There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers and first responders to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers and first responders affected by a critical incident. For purposes of this section, a"critical incident"shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else. For purposes of this section, the term"first responder"shall have the same meaning as first responder in section 190.1010. 2. All peace officers and first responders shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer or first responder's director or supervisor that he or she completed such check-in. 3. Any information disclosed by a peace officer or first responder shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer or first responder unless: (1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person; (2) The person who received the services provides written consent to the disclosure; or (3) The person receiving services discloses information that is required to be reported under mandatory reporting laws. 4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers and first responders to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers or first responders affected by a critical incident. The director of

public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void. (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. ---------- (L. 2021 S.B. 26 merged with S.B. 53 & 60 merged with S.B. 57, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.195 - Violations, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.195. Violations, penalty. —1. A person commits a class B misdemeanor if, in violation of this chapter, such person knowingly: (1) Holds a commission as a peace officer without a peace officer license valid for such commission; or (2) Grants or continues the commission of a peace officer not validly licensed for such commission. 2. Any person who purposely violates any other provision of this chapter shall be guilty of a class B misdemeanor. 3. Any law enforcement agency that commissions a peace officer in violation of this chapter or that is otherwise in violation of any provision of this chapter shall not be eligible to receive state or federal funds that would otherwise be paid to it for the purpose of training and licensing peace officers or for any other law enforcement, safety, or criminal justice purpose. ---------- (L. 2001 H.B. 80)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.200 - School protection officers, POST commission duties — minimum training requirements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 *590.200. School protection officers, POST commission duties — minimum training requirements. —1. The POST commission shall: (1) Establish minimum standards for the training of school protection officers; (2) Set the minimum number of hours of training required for a school protection officer; and (3) Set the curriculum for school protection officer training programs. 2. At a minimum this training shall include: (1) Instruction specific to the prevention of incidents of violence in schools; (2) The handling of emergency or violent crisis situations in school settings; (3) A review of state criminal law; (4) Training involving the use of defensive force; (5) Training involving the use of deadly force; and (6) Instruction in the proper use of self-defense spray devices. ---------- (L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.205 - School protection officer training, POST commission to establish minimum standards — list of approved instructors, centers, and programs — background checks — certification.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 *590.205. School protection officer training, POST commission to establish minimum standards — list of approved instructors, centers, and programs — background checks — certification. —1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs. 2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state. The required training to become a school protection officer shall be provided by those firearm instructors, private and public, who have successfully completed a department of public safety POST certified law enforcement firearms instructor school. 3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer. 4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement or permit. 5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and indicate whether the individual has a valid concealed carry endorsement or permit. The instructor shall also provide a copy of such certificate to the director of the department of public safety. ---------- (L. 2013 S.B. 42, A.L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.207 - Firearm out of control of school protection officer, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 *590.207. Firearm out of control of school protection officer, penalty. —Notwithstanding any other provision of law to the contrary, any person designated as a school protection officer under the provisions of section 160.665 who allows any such firearm out of his or her personal control while that firearm is on school property as provided under subsection 2 of section 160.665 shall be guilty of a class B misdemeanor and may be subject to employment termination proceedings within the school district. ---------- (L. 2014 S.B. 656) *Effective 10-10-14, see § 21.250. S.B. 656 was vetoed July 14, 2014. The veto was overridden on September 10, 2014.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.210 - Disaster or emergency, retired peace officers may be utilized.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.210. Disaster or emergency, retired peace officers may be utilized. —Notwithstanding any other provision of law, any law enforcement agency in this state may supplement such agency's workforce as necessary with qualified retired peace officers as defined in subsection 12 of section 571.030 when a disaster or emergency has been proclaimed by the governor or when there is a national emergency. Retirees assisting law enforcement agencies under the provisions of this section shall be in compliance with the annual firearms training and qualification standards for retired law enforcement officers carrying concealed firearms established by the department of public safety under section 650.030. Any compensation awarded to retirees for service under this section shall be paid by the law enforcement agency. ---------- (L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.500 - Certain law enforcement officers' right of appeal from disciplinary actions, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.500. Certain law enforcement officers' right of appeal from disciplinary actions, procedure. —Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. ---------- (L. 1990 S.B. 593 § 1) Effective 7-01-90 CROSS REFERENCE: Due process certain police on disciplinary actions, exception, 85.011

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.501 - Certification removal of officer, hearing requirements, time limitation — exception.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.501. Certification removal of officer, hearing requirements, time limitation — exception. —No law enforcement officer certified as a peace officer under this chapter shall have such officer's certification removed by the peace officer standards and training commission unless such officer has been afforded a contested case hearing pursuant to the provisions of chapter 536 by either the employing law enforcement agency or the peace officer standards and training commission regarding any dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The provisions of this section shall not apply to a peace officer who has been offered such a hearing but does not reply within ten working days. ---------- (L. 1995 S.B. 387 & 289)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.502 - Administrative investigation or questioning of law enforcement officer — definitions — conduct of investigation or questioning, requirements — suspension, due process rights, procedure — violation remedy.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.502. Administrative investigation or questioning of law enforcement officer — definitions — conduct of investigation or questioning, requirements — suspension, due process rights, procedure — violation remedy. —1. For purposes of this section, the following shall mean: (1)"Administering authority", any individual or body authorized by a law enforcement agency to hear and make final decisions regarding appeals of disciplinary actions issued by such agency; (2)"Color of law", any act by a law enforcement officer, whether on duty or off duty, that is performed in furtherance of his or her sworn duty to enforce laws and to protect and serve the public; (3)"Economic loss", any economic loss including, but not limited to, loss of overtime accrual, overtime income, sick time accrual, sick time, secondary employment income, holiday pay, and vacation pay; (4)"Good cause", sufficient evidence or facts that would support a party's request for extensions of time or any other requests seeking accommodations outside the scope of the rules set out herein; (5)"Law enforcement officer", any commissioned peace officer with the power to arrest for a violation of the criminal code who is employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision or is employed by the board of police commissioners as defined in chapter 84. Law enforcement officer shall not include any officer who is the highest ranking officer in the law enforcement agency. 2. Whenever a law enforcement officer is under administrative investigation or is subjected to administrative questioning that the officer reasonably believes could lead to disciplinary action, demotion, dismissal, transfer, or placement on a status that could lead to economic loss, the investigation or questioning shall be conducted under the following conditions: (1) The law enforcement officer who is the subject of the investigation shall be informed, in writing, of the existence and nature of the alleged violation and the individuals who will be conducting the investigation. Notice shall be provided to the officer along with a copy of the complaint at least twenty-four hours prior to any interrogation or interview of the officer; (2) Any person, including members of the same agency or department as the officer under investigation, filing a complaint against a law enforcement officer shall have the complaint supported by a written statement outlining the complaint that includes the personal identifying information of the person filing the complaint. All personal identifying information shall be held confidential by the investigating agency; (3) When a law enforcement officer is questioned or interviewed regarding matters pertaining to his or her law enforcement duties or actions taken within the scope of his or her employment, such questioning shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances exist that necessitate questioning the officer while he or she is off duty; (4) Any interviews or questioning shall be conducted at a secure location at the agency that is conducting the investigation or at the place where the officer reports to work, unless the officer consents to another location; (5) Law enforcement officers shall be questioned by up to two investigators and shall be informed of the name, rank, and command of the investigator or investigators conducting the investigation; except that, separate investigators shall be assigned to investigate alleged department policy violations and alleged criminal violations; (6) Interview sessions shall be for a reasonable period of time. There shall be times provided for the officer to allow for such personal necessities and rest periods as are reasonably necessary; (7) Prior to an interview session, the investigator or investigators conducting the investigation shall advise the law enforcement officer of the rule set out in Garrity v. New Jersey, 385 U.S. 493 (1967), specifically that the law enforcement officer is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in criminal proceedings; (8) Law enforcement officers shall not be threatened, harassed, or promised rewards to induce them into answering any question; except that, law enforcement officers may be compelled by their employer to give protected Garrity statements to an investigator under the direct control of the employer, but such compelled statements shall not be used or derivatively used against the officer in any aspect of a criminal case brought against the officer; (9) Law enforcement officers under investigation are entitled to have an attorney or any duly authorized representative present during any questioning that the law enforcement officer reasonably believes may result in disciplinary action. The attorney or representative shall be permitted to confer with the officer but shall not unduly disrupt or interfere with the interview. The questioning shall be suspended for a period of up to twenty-four hours if the officer requests representation; (10) Prior to the law enforcement officer being interviewed, the officer and his or her attorney or representative shall have the opportunity to review the complaint; (11) The law enforcement agency conducting the investigation shall have ninety days from receipt of a citizen complaint to complete such investigation. The agency shall determine the disposition of the complaint and render a disciplinary decision, if any, within ninety days. The agency may, for good cause, petition the administering authority overseeing the administration of discipline for an extension of time to complete the investigation. If the administering authority finds the agency has shown good cause for the granting of an extension of time to complete the investigation, the administering authority shall grant an extension of up to sixty days. The agency is limited to two extensions per investigation; except that, if there is an ongoing criminal investigation there shall be no limitation on the amount of sixty-day extensions. For good cause shown, the internal investigation may be tolled until the conclusion of a concurrent criminal investigation arising out of the same alleged conduct. Absent consent from the officer being investigated, the administering authority overseeing the administration of discipline shall set the matter for hearing and shall provide notice of the hearing to the law enforcement officer under investigation. The officer shall have the right to attend the hearing and to present evidence and arguments against extension; (12) Within five days of the conclusion of the administrative investigation, the investigator shall inform the officer, in writing, of the investigative findings and any recommendation for further action, including discipline; (13) A complete record of the administrative investigation shall be kept by the law enforcement agency conducting such investigation. Upon completion of the investigation, a copy of the entire record, including, but not limited to, audio, video, and transcribed statements, shall be provided to the officer or the officer's representative within five business days of the officer's written request. The agency may request a protective order to redact all personal identifying witness information; and (14) All records compiled as a result of any investigation subject to the provisions of this section shall be

held confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order, by release approved by the officer, or as provided in section 590.070. 3. Law enforcement officers who are suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss shall be entitled to a full due process hearing. However, nothing in this section shall prohibit a law enforcement agency and the authorized bargaining representative for a law enforcement officer employed by that agency from reaching written agreements providing disciplinary procedures more favorable than those provided for this section. The components of the hearing shall include, at a minimum: (1) The right to be represented by an attorney or other individual of their choice during the hearing; (2) Seven days' notice of the hearing date and time; (3) An opportunity to access and review documents, at least seven days in advance of the hearing, that are in the employer's possession and that were used as a basis for the disciplinary action; (4) The right to refuse to testify at the hearing if the officer is concurrently facing criminal charges in connection with the same incident. A law enforcement officer's decision not to testify shall not result in additional internal charges or discipline; (5) A complete record of the hearing shall be kept by the agency for purposes of appeal. The record shall be provided to the officer or his or her attorney upon written request; (6) The entire record of the hearing shall remain confidential and shall not be subject to disclosure under chapter 610, except by lawful subpoena or court order. 4. Any decision, order, or action taken following the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order accompanying findings and conclusions along with the written action and right of appeal, if any, shall be delivered or mailed promptly to the law enforcement officer or to the officer's attorney or representative of record. 5. Law enforcement officers shall have the opportunity to provide a written response to any adverse materials placed in their personnel file, and such written response shall be permanently attached to the adverse material. 6. Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct. 7. Employers shall defend and indemnify law enforcement officers from and against civil claims made against them in their official and individual capacities if the alleged conduct arose in the course and scope of their obligations and duties as law enforcement officers. This includes any actions taken off duty if such actions were taken under color of law. In the event the law enforcement officer is convicted of, or pleads guilty to, criminal charges arising out of the same conduct, the employer shall no longer be obligated to defend and indemnify the officer in connection with related civil claims. 8. Law enforcement officers shall not be disciplined, demoted, dismissed, transferred, or placed on a status resulting in economic loss as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrongdoing, in which case the provisions of this section shall not apply. 9. Any aggrieved law enforcement officer or authorized representative may seek judicial enforcement of the requirements of this section. Suits to enforce this section shall be brought in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business. 10. Upon a finding by a preponderance of the evidence that a law enforcement agency, governmental body, or member of same has violated any provision of this section, a court shall void any action taken in violation of this section. The court may also award the law enforcement officer the costs of bringing the suit including, but not limited to, attorneys' fees. A lawsuit for enforcement shall be brought within one year from which the violation is ascertainable. 11. Nothing in this section shall apply to any investigation or other action by the director regarding a license issued by the director under this chapter. 12. A law enforcement agency that has substantially similar or greater procedures shall be deemed in compliance with this section. ---------- (L. 2021 S.B. 26)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.650 - Racial profiling — minority group defined — reporting requirements — annual report — review of findings — failure to comply — funds for audio-visual equipment — sobriety check points exempt.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.650. Racial profiling — minority group defined — reporting requirements — annual report — review of findings — failure to comply — funds for audio-visual equipment — sobriety check points exempt. —1. As used in this section"minority group"means individuals of African, Hispanic, Native American or Asian descent. 2. Each time a peace officer stops a driver of a motor vehicle, that officer shall report the following information to the law enforcement agency that employs the officer: (1) The age, gender and race or minority group of the individual stopped; (2) The reasons for the stop; (3) Whether a search was conducted as a result of the stop; (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search; (5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered; (6) Whether any warning or citation was issued as a result of the stop; (7) If a warning or citation was issued, the violation charged or warning provided; (8) Whether an arrest was made as a result of either the stop or the search; (9) If an arrest was made, the crime charged; and (10) The location of the stop. --Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms. 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general. (2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year. (3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report. 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year. (2) The report of the attorney general shall include at least the following information for each agency: (a) The total number of vehicles stopped by peace officers during the previous calendar year; (b) The number and

percentage of stopped motor vehicles that were driven by members of each particular minority group; (c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and (d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section. 5. Each law enforcement agency shall adopt a policy on race-based traffic stops that: (1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; (2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that: (a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and (b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; and (3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review. --The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment. 6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency. 7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone. 8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully conducted sobriety check point or road block shall be exempt from the reporting requirements of subsection 2 of this section. ---------- (L. 2000 S.B. 1053, A.L. 2001 H.B. 80, A.L. 2004 S.B. 1233, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.653 - Civilian review and oversight — board, division, and entities — powers, duties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.653. Civilian review and oversight — board, division, and entities — powers, duties. —1. Each city, county and city not within a county may establish a civilian review board, division of civilian oversight, or any other entity which provides civilian review or oversight of police agencies, or may use an existing civilian review board or division of civilian oversight or other named entity which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses. 2. The board, division, or any other such entity, shall have the power solely limited to receiving, investigating, making findings and recommending disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, division, or other entity and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations. Only the powers specifically granted herein are authorized and any and all authority granted to future or existing boards, divisions, or entities outside the scope of the powers listed herein are expressly preempted and void as a matter of law. ---------- (L. 2000 S.B. 1053, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.700 - Definitions — recording required for certain crimes — may be recorded, when — written policy required — violation, penalty.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.700. Definitions — recording required for certain crimes — may be recorded, when — written policy required — violation, penalty. —1. As used in this section, the following terms shall mean: (1)"Custodial interrogation", the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include: (a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency; (b) A detention by a law enforcement agency that has not risen to the level of an arrest; (c) Questioning that is routinely asked during the processing of the arrest of the suspect; (d) Questioning pursuant to an alcohol influence report; (e) Questioning during the transportation of a suspect; (2)"Recorded"and"recording", any form of audiotape, videotape, motion picture, or digital recording. 2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, kidnapping in the first degree, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible. 3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section: (1) If the suspect requests that

the interrogation not be recorded; (2) If the interrogation occurs outside the state of Missouri; (3) If exigent public safety circumstances prevent recording; (4) To the extent the suspect makes spontaneous statements; (5) If the recording equipment fails; or (6) If recording equipment is not available at the location where the interrogation takes place. 4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section. 5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section. 6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial. 7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action. ---------- (L. 2009 H.B. 62 § 590.701, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.750 - Department to have sole authority to regulate and license advisors — commissioning of advisors — minimum liability insurance — acting without a license, penalty — rulemaking authority — application procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 *590.750. Department to have sole authority to regulate and license advisors — commissioning of advisors — minimum liability insurance — acting without a license, penalty — rulemaking authority — application procedure. —1. The department of public safety shall have the sole authority to regulate and license all corporate security advisors. Licensed corporate security advisors who are not also commissioned by the department shall not have the power of arrest for violations of the criminal code, except as otherwise provided by law. 2. The director shall have the sole authority to commission corporate security advisors. No person shall hold a commission as a corporate security advisor without a valid peace officer license. The director shall commission corporate security advisors as he or she deems appropriate, taking into consideration the education, training, and experience of each individual in relation to the powers of peace officers and the limitations on the powers of peace officers in regard to the constitutional rights of citizens to be secure in their persons and property. Each individual commissioned by the department shall be issued a commission by the director of the department and before entering into the performance of his or her duties shall subscribe before the clerk of a circuit court of this state an oath, in the form prescribed by Article VII, Section 11 of the Constitution of Missouri, to support the Constitution and laws of the United States and this state; to faithfully demean himself or herself in the office; and to faithfully perform the duties of the office. The executed oath of office, along with a copy of the individual's commission, shall be filed with the director until the commission is terminated or revoked. 3. The authority and jurisdiction of a corporate security advisor shall be limited only by the geographical limits of the state, unless the corporate security advisor's license is recognized by the laws or regulations of another state or the federal government. 4. The department shall establish a minimum amount of liability insurance to be provided by the prospective or current employer of the corporate security advisor, and require the employer to provide a statement that the corporate security advisor will be included in the policy as a named insured. 5. Acting as a corporate security advisor without a license from the department of public safety is a class A misdemeanor. 6. The director may promulgate rules to implement the provisions of this section under chapter 536 and section 590.190. 7. Any corporate security advisor licensed as of February 1, 2014, shall not be required to apply for a new license from the department until the advisor's license expires or is otherwise revoked. 8. All applications for corporate security advisor licenses shall be made upon such forms and in such manner as the director shall prescribe. The department shall charge a fee for issuance of a license under this section in an amount, not to exceed two hundred dollars, established by regulation promulgated in accordance with the provisions of chapter 536. 9. Nothing in this section is intended to nor shall it be construed as a waiver of sovereign immunity or the acknowledgment or creation of any liability on the part of the state for personal injury, death, or property damage. The department of public safety and the director shall have immunity from civil liability arising out of the commissioning of corporate security advisors under this section. ---------- (L. 2014 S.B. 656 merged with S.B. 852, A.L. 2015 H.B. 878) *Effective 10-16-15, see § 21.250. H.B. 878 was vetoed on July 10, 2015. The veto was overridden September 16, 2015.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 590 - Peace Officers, Selection, Training and DisciplineSection 590.805 - Respiratory choke-hold, limitation on use of.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 590 590.805. Respiratory choke-hold, limitation on use of. —1. A law enforcement officer shall not knowingly use a respiratory choke-hold unless the use is in defense of the officer or another from serious physical injury or death. 2. A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person's neck with the purpose of controlling or restricting such person's breathing. ---------- (L. 2021 S.B. 53 & 60)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.010 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.010. Definitions. —1. As used in sections 595.010 to 595.075, unless the context requires otherwise, the following terms shall mean:

(1)"Child", a dependent, unmarried person who is under eighteen years of age and includes a posthumous child, stepchild, or an adopted child; (2)"Claimant", a victim or a dependent, relative, survivor, or member of the family, of a victim eligible for compensation pursuant to sections 595.010 to 595.075; (3)"Conservator", a person or corporation appointed by a court to have the care and custody of the estate of a minor or a disabled person, including a limited conservator; (4)"Counseling", problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings; (5)"Crime", an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri; (6)"Crisis intervention counseling", helping to reduce psychological trauma where victimization occurs; (7)"Department", the department of public safety; (8)"Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon, and living with, but shall include children entitled to child support but not living with, the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to 595.075; (9)"Direct service", providing physical services to a victim of crime including, but not limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter, notification and information; (10)"Director", the director of public safety of this state or a person designated by him for the purposes of sections 595.010 to 595.075; (11)"Disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources, including a partially disabled person who lacks the ability, in part, to manage his financial resources; (12)"Emergency service", those services provided to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars; (13)"Earnings", net income or net wages; (14)"Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents; (15)"Funeral expenses", the expenses of the funeral, burial, cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains; (16)"Gainful employment", engaging on a regular and continuous basis, up to the date of the incident upon which the claim is based, in a lawful activity from which a person derives a livelihood; (17)"Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person, including a limited guardian; (18)"Hit and run", the crime of leaving the scene of a motor vehicle accident as defined in section 577.060; (19)"Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements; (20)"Injured victim", a person: (a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime; (b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted; (c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime; (21)"Law enforcement official", a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers; (22)"Offender", a person who commits a crime; (23)"Personal injury", physical, emotional, or mental harm or trauma resulting from the crime upon which the claim is based; (24)"Private agency", a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents; (25)"Public agency", a part of any local or state government organization which provides services to victims of crime; (26)"Relative", the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law; (27)"Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim of the victim's household at the time of the crime; (28)"Victim", a person who suffers personal injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection; (29)"Victim advocacy", assisting the victim of a crime and his dependents to acquire services from existing community resources. 2. As used in sections 595.010 to 595.075, the term"alcohol-related traffic offense"means those offenses defined by sections 577.001, 577.010, and 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle while under the influence of alcohol. ---------- (L. 1981 H.B. 41, et al. § 1, A.L. 1982 S.B. 497, A.L. 1984 H.B. 1226, A.L. 1985 H.B. 715, A.L. 1993 S.B. 19, A.L. 1994 H.B. 1677 merged with S.B. 554, A.L. 1997 S.B. 430, A.L. 2009 S.B. 338, A.L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.015 - Compensation claims, department of public safety to administer, method — application filed with department, form, contents — cooperation with law enforcement — information to be made available to department.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.015. Compensation claims, department of public safety to administer, method — application filed with department, form, contents — cooperation with law enforcement — information to be made available to department. —1. The department of public safety shall, pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of, victims of crimes. In making such determinations and awards, the department shall ensure the compensation sought is reasonable and consistent with the limitations described in sections 595.010 to 595.075. Additionally, if compensation being sought includes medical expenses, the department shall further ensure that such expenses are medically necessary. The department of public safety may pay directly to the provider of the services compensation for medical or funeral expenses, or expenses for other services as described in section 595.030, incurred by the claimant. The department is not required to provide compensation in any case, nor is it required to award the full amount claimed. The department shall make its award of compensation based upon independent verification obtained during its investigation. 2. Such claims shall be made by filing an application for compensation with the department of public safety. The application form shall be furnished by the department. The application shall include: (1) The name and address of the victim; (2) If the claimant is not the victim, the name and address of the claimant and relationship to the victim, the names and addresses of the victim's dependents, if any, and the extent to which each is so dependent; (3) The date and nature of the crime or attempted crime on which the application for compensation is based; (4) The date and place where, and the law enforcement officials to whom, notification of the crime was given; (5) The nature and extent of the injuries sustained by the victim, the names and addresses of those giving medical and hospital treatment to the victim and whether death resulted; (6) The loss to the claimant or a dependent resulting from the injury or death; (7) The amount of benefits, payments or awards, if any, payable from any source which the claimant or dependent has received or for which the claimant or dependent is eligible as a result of the injury or death; (8) Releases authorizing the surrender to the department of reports, documents and other information relating to the matters specified under this section; and (9) Such other information as the department determines is necessary. 3. In addition to the application, the department may require that the claimant submit materials substantiating the facts stated in the application. 4. The claimant, victim or dependent shall cooperate with law enforcement officials in the apprehension of the offender in order to be eligible, or the department has found that the failure to cooperate was for good cause. 5. Any state or local agency, including a prosecuting attorney or law enforcement agency, shall make available without cost to the fund all reports, files and other appropriate information which the department requests in order to make a determination that a claimant is eligible for an award pursuant to sections 595.010 to 595.075. ---------- (L. 1981 H.B. 41, et al. § 2, A.L. 1985 H.B. 715, A.L. 1994 S.B. 554, A.L. 1995 H.B. 174, et al., A.L. 2009 S.B. 338, A.L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.020 - Eligibility for compensation.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.020. Eligibility for compensation. —1. Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075: (1) A victim of a crime; (2) In the case of a sexual assault victim, a relative of the victim requiring counseling in order to better assist the victim in his recovery; and (3) In the case of the death of the victim as a direct result of the crime: (a) A dependent of the victim; (b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and (c) A survivor of the victim requiring counseling as a direct result of the death of the victim. 2. An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the department may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the department can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation. 3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest or electronic monitoring. 4. In the case of a claimant who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application: (1) The department shall suspend all proceedings and payments until such time as the claimant is released from incarceration; (2) The department shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address; (3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery. 5. A Missouri resident who suffers personal injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if: (1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri; (2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. Section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if he had been injured in Missouri. ---------- (L. 1981 H.B. 41, et al. § 3, A.L. 1985 H.B. 715, A.L. 1989 H.B. 502, et al. merged with S.B. 138, A.L. 1990 H.B. 974, A.L. 1993 S.B. 19, A.L. 1994 S.B. 554, A.L. 1997 S.B. 430, A.L. 2009 S.B. 338, A.L. 2018 H.B. 1355)

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2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.025 - Claims, filing and hearing, procedure, who may file — time limitation — amount of compensation, considerations — attorney's fees — examination, report by health care provider, when — exemption from collection.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.025. Claims, filing and hearing, procedure, who may file — time limitation — amount of compensation, considerations — attorney's fees — examination, report by health care provider, when — exemption from collection. —1. A claim for compensation may be filed by a person eligible for compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's spouse, parent, conservator, or guardian. 2. A claim shall be filed not later than two years after the occurrence of the crime or the discovery of the crime upon which it is based. 3. Each claim shall be submitted to the department. The department of public safety shall investigate such claim, prior to the opening of formal proceedings. The claimant shall be notified of the date and time of any hearing on such claim. In determining the amount of compensation for which a claimant is eligible, the department shall consider the facts stated on the application filed pursuant to section 595.015, and: (1) Need not consider whether or not the alleged assailant has been apprehended or brought to trial or the result of any criminal proceedings against that person; however, if any person is convicted of the crime which is the basis for an application for compensation, proof of the conviction shall be conclusive evidence that the crime was committed; (2) Shall determine the amount of the loss to the claimant, or the victim's survivors or dependents; (3) Shall determine the degree or extent to which the victim's acts or conduct provoked, incited, or contributed to the injuries or death of the victim. 4. The claimant may present evidence and testimony on his own behalf or may retain counsel. The department of public safety may, as part of any award entered under sections 595.010 to 595.075, determine and allow reasonable attorney's fees, which shall not exceed fifteen percent of the amount awarded as compensation under sections 595.010 to 595.075, which fee shall be paid out of, but not in addition to, the amount of compensation, to the attorney representing the claimant. No attorney for the claimant shall ask for, contract for or receive any larger sum than the amount so allowed. 5. The person filing a claim shall, prior to any hearing thereon, submit reports, if available, from all hospitals, physicians, surgeons, or other health care providers who treated or examined the victim for the injury for which compensation is sought. A hospital, physician, surgeon, or other health care provider may submit reports on behalf of the person filing a claim. If, in the opinion of the department of public safety, an examination of the injured victim and a report thereon, or a report on the cause of death of the victim, would be of material aid, the department of public safety may appoint a duly qualified, impartial physician to make such examination and report. 6. Each and every payment shall be exempt from attachment, garnishment or any other remedy available to creditors for the collection of a debt. 7. Payments of compensation shall not be made directly to any person legally incompetent to receive them but shall be made to the parent, guardian or conservator for the benefit of such minor, disabled or incapacitated person. ---------- (L. 1981 H.B. 41, et al. § 4, A.L. 1985 H.B. 715, A.L. 1989 H.B. 502, et al., A.L. 1994 S.B. 554, A.L. 1996 S.B. 769, A.L. 2009 S.B. 338, A.L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.027 - Medical providers to submit information, when, penalty — medical providers, defined.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.027. Medical providers to submit information, when, penalty — medical providers, defined. —1. Upon request by the department for verification of injuries of victims, medical providers shall submit the information requested by the department within twenty working days of the request at no cost to the fund. 2. For purposes of this section,"medical providers"means physicians, dentists, clinical psychologists, optometrists, podiatrists, registered nurses, physician's assistants, chiropractors, physical therapists, hospitals, ambulatory surgical centers, abortion facilities, and nursing homes. 3. Failure to submit the information as required by this section shall be an infraction. ---------- (L. 1988 H.B. 1195, A.L. 1994 S.B. 554, A.L. 2009 H.B. 62, A.L. 2017 2d Ex. Sess. S.B. 5) Effective 10-24-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.030 - Compensation, paid when — medical care, requirements — counseling, requirements — maximum award — joint claimants, distribution — method, timing of payment determined by department — negotiations with providers.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.030. Compensation, paid when — medical care, requirements — counseling, requirements — maximum award — joint claimants, distribution — method, timing of payment determined by department — negotiations with providers. —1. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal injury to, or the death of, the victim, and that police, court, or other official records show that such crime was reported to the proper authorities. In lieu of other records the claimant may provide a sworn statement by the applicant under paragraph (c) of subdivision (2) of section 589.663 that the applicant has good reason to believe that he or she is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking, and fears further violent acts from his or her assailant. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or by any other member of the victim's family. In the case of a sexual offense, filing

a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred, receiving a forensic examination, or securing an order of protection. 2. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided. 3. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a: (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided; (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided; (3) Clinical social worker licensed pursuant to chapter 337; (4) Professional counselor licensed pursuant to chapter 337; or (5) Board-certified psychiatric-mental health clinical nurse specialist or board certified psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in which the service is provided. 4. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed four hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars. 5. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed four hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss. 6. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department. 7. The department shall have the authority to negotiate the costs of medical care or other services directly with the providers of the care or services on behalf of any victim receiving compensation pursuant to sections 595.010 to 595.075. ---------- (L. 1981 H.B. 41, et al. § 5, A.L. 1985 H.B. 715, A.L. 1989 H.B. 502, et al., A.L. 1993 S.B. 19, A.L. 1994 S.B. 554, A.L. 1995 H.B. 174, et al., A.L. 2001 S.B. 267, A.L. 2007 H.B. 583, A.L. 2009 S.B. 338, A.L. 2014 H.B. 1299 Revision, A.L. 2015 S.B. 141 , A.L. 2016 S.B. 921, A.L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.035 - Award standards to be established — amount of award, factors to be considered — purpose of fund, reduction for other compensation received by victim, exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.035. Award standards to be established — amount of award, factors to be considered — purpose of fund, reduction for other compensation received by victim, exceptions. —1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the department of public safety shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death pursuant to other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the department of public safety on claims pursuant to sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. 2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death: (1) From or on behalf of the offender; (2) Under private or public insurance programs, including Tricare, Medicare, Medicaid and other state or federal programs, but not including any life insurance proceeds; or (3) From any other public or private funds, including an award payable pursuant to the workers' compensation laws of this state. 3. In determining the amount of compensation payable, the department of public safety shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the department of public safety may disregard the responsibility of the victim for his or her own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her presence, or to apprehend a person who had committed a crime in his or her presence or had in fact committed a felony. 4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.075, monthly Social Security disability or retirement benefits received by the victim shall not be considered by the department as a factor for reduction of benefits. ---------- (L. 1981 H.B. 41, et al. § 6, A.L. 1982 S.B. 497, A.L. 1983 H.B. 713 Revision, A.L. 1985 H.B. 715, A.L. 1988 H.B. 1195, A.L. 1993 S.B. 19, A.L. 1994 S.B. 554, A.L. 2001 S.B. 267, A.L. 2009 S.B. 338, A.L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.036 - Grievances, decision of department, appeal to administrative hearing commission.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.036. Grievances, decision of department, appeal to administrative hearing commission. —1. For any claim filed on or after August 28,

2014, any party aggrieved by a decision of the department of public safety on a claim under the provisions of sections 595.010 to 595.075 may, within thirty days following the date of notification of such decision, file a petition with the department to have such decision heard de novo by the director. The director may affirm or reverse the department's decision on the basis of the evidence previously submitted in such case or may take additional evidence in reviewing the decision. The department shall promptly notify the party of its decision and the reasons therefor. 2. Any party aggrieved by the department's decision may, within thirty days following the date of notification of such decision, file a petition with the administrative hearing commission to appeal such decision as provided in section 621.275. ---------- (L. 1984 S.B. 528 §§ 595.036, 595.037, A.L. 2007 H.B. 583, A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.037 - Open records, exceptions — department order to close records.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.037. Open records, exceptions — department order to close records. —1. All information submitted to the department and any hearing of the department on a claim filed pursuant to sections 595.010 to 595.075 shall be open to the public except for the following claims which shall be deemed closed and confidential: (1) A claim in which the alleged assailant has not been brought to trial and disclosure of the information or a public hearing would adversely affect either the apprehension, or the trial, of the alleged assailant; (2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy or sexual abuse and it is determined by the department to be in the best interest of the victim or of the victim's dependents that the information be kept confidential or that the public be excluded from the hearing; (3) A claim in which the victim or alleged assailant is a minor; or (4) A claim in which any record or report obtained by the department, the confidentiality of which is protected by any other law, shall remain confidential subject to such law. 2. The department may close any record, report or hearing if it determines that the interest of justice would be frustrated rather than furthered if such record or report was disclosed or if the hearing was open to the public. ---------- (L. 1993 S.B. 19, A.L. 2009 S.B. 338, A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.040 - Subrogation, state's right, when — attorney general to bring action — lien for injuries, proceeding by claimant to recover damages, department may intervene — department may receive restitution.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.040. Subrogation, state's right, when — attorney general to bring action — lien for injuries, proceeding by claimant to recover damages, department may intervene — department may receive restitution. —1. Acceptance of any compensation under sections 595.010 to 595.075 shall subrogate this state, to the extent of such compensation paid, to any right or right of action accruing to the claimant or to the victim to recover payments on account of losses resulting from the crime with respect to which the compensation has been paid. The attorney general may enforce the subrogation, and he shall bring suit to recover from any person to whom compensation is paid, to the extent of the compensation actually paid under sections 595.010 to 595.075, any amount received by the claimant from any source exceeding the actual loss to the victim. 2. The department shall have a lien on any compensation received by the claimant, in addition to compensation received under provisions of sections 595.010 to 595.075, for injuries or death resulting from the incident upon which the claim is based. The claimant shall retain, as trustee for the department, so much of the recovered funds as necessary to reimburse the Missouri crime victims' compensation fund to the extent that compensation was awarded to the claimant from that fund. 3. If a claimant initiates any legal proceeding to recover restitution or damages related to the crime upon which the claim is based, or if the claimant enters into negotiations to receive any proceeds in settlement of a claim for restitution or damages related to the crime, the claimant shall give the department written notice within fifteen days of the filing of the action or entering into negotiations. The department may intervene in the proceeding of a complainant to recover the compensation awarded. If a claimant fails to give such written notice to the department within the stated time period, or prior to any attempt by claimant to reach a negotiated settlement of claims for recovery of damages related to the crime upon which the claim is based, the department's right of subrogation to receive or recover funds from claimant, to the extent that compensation was awarded by the department, shall not be reduced in any amount or percentage by the costs incurred by claimant attributable to such legal proceedings or settlement, including, but not limited to, attorney's fees, investigative cost or cost of court. If such notice is given, attorney fees may be awarded in an amount not to exceed fifteen percent of the amount subrogated to the department. 4. Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the department may initiate restitution hearings in such criminal proceedings or intervene in the same. The department shall be entitled to receive restitution in such proceedings to the extent compensation was awarded; provided, however, the department shall be exempt from the payment of any fees or other charges for the recording of restitution orders in the offices of the judges of probate. The claimant shall notify this department when restitution is ordered. Failure to notify the department will result in possible forfeiture of any amount already received from the department. 5. Whenever the department shall deem it necessary to protect, maintain or enforce the department's right to subrogation or to exercise any of its powers or to carry out any of its duties or responsibilities, the attorney general may initiate legal proceedings or intervene in legal proceedings as the department's legal representative. ---------- (L. 1981 H.B. 41, et al. § 7, A.L. 1994 S.B. 554, A.L. 2009 S.B. 338)

Title: title-xxxviii

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.045 - Funding — costs for certain violations, amount, distribution of funds, audit — judgments in certain cases, amount — failure to pay, effect, notice — court cost deducted — insufficient funds to pay claims, procedure — interest earned, disposition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.045. Funding — costs for certain violations, amount, distribution of funds, audit — judgments in certain cases, amount — failure to pay, effect, notice — court cost deducted — insufficient funds to pay claims, procedure — interest earned, disposition. —1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031. 2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of revenue. 3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding. 4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions: (1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055; (2) Beginning on September 1, 2004, and on the first of each month, the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100. 5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the department of public safety. 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows: (1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055; (2) Beginning on September 1, 2004, and on the first of each month the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100. 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency. 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund. 9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections. 10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 16 of this section and shall maintain

separate records of collection for alcohol-related offenses. 11. The state courts administrator shall include in the annual report required by section 476.350 the circuit court caseloads and the number of crime victims' compensation judgments entered. 12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund. 13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections. 14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state. 15. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor. 16. The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075. ---------- (L. 1981 H.B. 41, et al. § 8, A.L. 1982 S.B. 497, A.L. 1984 H.B. 1226, A.L. 1985 H.B. 715, A.L. 1986 H.B. 1554 Revision, A.L. 1988 H.B. 1195, A.L. 1989 S.B. 364 merged with S.B. 138, A.L. 1990 H.B. 974, A.L. 1992 S.B. 638, A.L. 1993 S.B. 19, A.L. 1996 S.B. 769 repealed by L. 1997 S.B. 248, A.L. 1996 S.B. 869, A.L. 2001 S.B. 267, A.L. 2004 H.B. 1188 merged with S.B. 1211, A.L. 2009 S.B. 338) CROSS REFERENCES: Crime laboratory assistance program, 650.100, 650.105 Multinational banks, securities and obligations of, investment in, when, 409.950

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.050 - Contracts for services to victims, requirements, limitations.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.050. Contracts for services to victims, requirements, limitations. —1. From funds appropriated for services to victims of crime, the director may contract with public or private agencies to provide assistance to victims of crime through direct services, emergency services, crisis intervention counseling and victim advocacy. Any such contract may consist solely of, or may include, educational and informational services to the public about the availability of services for victims of crime which are designed to alleviate the results of criminal acts. Under no circumstances shall the expenditures from general revenue for the purpose provided in this section exceed the amount of ninety thousand dollars each fiscal year. 2. The director shall ensure that funds administered under section 595.055, section 595.105 and this section will not be used by any agency to supplant existing funds which are presently being used to provide assistance to victims of crime. This restriction shall not apply to funds used by any not-for-profit agency. 3. Each contract shall be subject to review by the director at least annually. ---------- (L. 1981 H.B. 41, et al. § 9, A.L. 1988 H.B. 1195, A.L. 1992 S.B. 457, A.L. 1997 S.B. 215, A.L. 2004 S.B. 1211)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.055 - Services for victims not provided, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.055. Services for victims not provided, when. —No service may be provided under section 595.050 if the victim of crime: (1) Was the perpetrator or a principal or accessory involved in the commission of the crime for which he otherwise would have been eligible for assistance under the provisions of section 595.050; or (2) Is injured as a result of the operation of a motor vehicle, boat or airplane unless the same was used as a weapon in a deliberate attempt to inflict personal injury upon any person or unless the victim is injured as a result of the crime of driving while intoxicated or vehicular manslaughter. ---------- (L. 1981 H.B. 41, et al. § 10, A.L. 1992 S.B. 457, A.L. 2018 H.B. 1355)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.060 - Rules, authority — procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.060. Rules,

authority — procedure. —The director shall promulgate rules and regulations necessary to implement the provisions of sections 595.010 to 595.220 as provided in this section and chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void. ---------- (L. 1981 H.B. 41, et al. § 11, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 2009 S.B. 338, A.L. 2014 H.B. 1299 Revision)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.065 - Orders for payment, when effective.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.065. Orders for payment, when effective. —Orders for payment of compensation pursuant to section 595.045 shall be made only as to injuries or death resulting from offenses occurring on or after July 1, 1982. ---------- (L. 1981 H.B. 41, et al. § 12) Effective 1-1-83

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.075 - Payments to witness, victim's compensation, inadmissible as evidence.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.075. Payments to witness, victim's compensation, inadmissible as evidence. —It shall not be admissible as evidence or subject for argument in any criminal case that a person received any payment pursuant to chapter 595, if the person receiving such payment is a witness. ---------- (L. 1986 S.B. 618 & 562 § 3)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.100 - Funding, administration.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.100. Funding, administration. —1. There is hereby established in the state treasury the "Services to Victims Fund" which shall consist of money collected pursuant to section 595.045. The fund shall be administered by the department of public safety. Upon appropriation, money in the fund shall be used solely for the administration of sections 595.050, 595.055 and 595.105, except that public or private agencies, as defined by section 595.050, shall use no more than ten percent of any funds received for administrative purposes. 2. Notwithstanding the provisions of section 33.080, any balance remaining in the fund at the end of an appropriation period shall not be transferred to general revenue, but shall remain in the fund. ---------- (L. 1988 H.B. 1195 § 1, A.L. 2011 S.B. 320)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.105 - Funding for shelters for victims of domestic violence and agencies providing services for certain crime victims.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.105. Funding for shelters for victims of domestic violence and agencies providing services for certain crime victims. —Notwithstanding the provisions of subsection 1*of section 595.055 to the contrary, the director may allocate and distribute money in the fund to provide financial assistance to shelters for victims of domestic violence, and agencies that provide domestic violence or sexual assault direct services, emergency services, crisis intervention and victim advocacy. ---------- (L. 1988 H.B. 1195 § 2, A.L. 1989 H.B. 502, et al., A.L. 1992 S.B. 457, A.L. 1998 S.B. 722) *Subsection 1 of section 595.055 was repealed by H.B. 1355, 2018.

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.120 - National human trafficking resource center hotline, department poster, contents — display, where — available on department website — penalty for failure to post.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.120. National human trafficking resource center hotline, department poster, contents — display, where — available on department website — penalty for failure to post. —1. Prior to January 1, 2019, the department of public safety shall create a poster that provides information regarding the national human trafficking resource center hotline. The poster shall be no smaller than eight and one-half inches by eleven inches in size and shall include a statement in substantially the following form: --The statement shall appear on each poster in English, Spanish, and, for each county, any other language required for voting materials in that county under Section 1973 of the Voting Rights Act of 1965, 42 U.S.C. Section 1973, as amended. In addition to the national human trafficking resource center hotline, the statement may contain any additional hotlines regarding human trafficking for access to help and services. 2. Beginning March 1, 2019, the human trafficking hotline poster designed by the department of public safety shall be displayed in a conspicuous place in or near the bathrooms or near the entrance of each of the following establishments: (1) Hotels, motels, or other establishments that have been cited as a public nuisance for prostitution under section 567.080; (2) Strip clubs or other sexually oriented businesses; (3) Private clubs that have a liquor permit for on-premises consumption, do not hold themselves out to be food

service establishments, and are not affiliated with any nonprofit fraternal, athletic, religious, or veteran organizations; (4) Airports; (5) Train stations that serve passengers; (6) Emergency rooms within general acute care hospitals; (7) Urgent care centers; (8) Privately operated job recruitment centers; (9) Businesses or establishments that offer massage or body work services for compensation by individuals who are not licensed under section 324.265; (10) Women's health centers; (11) Abortion facilities as defined in section 188.015; (12) Family planning clinics; (13) Maternity homes as defined in section 135.600; (14) Pregnancy resource centers as defined in section 135.630; (15) Bus stations; (16) Truck stops. For the purposes of this section,"truck stops"shall mean privately owned and operated facilities that provide food, fuel, shower or other sanitary facilities, and lawful overnight parking; and (17) Roadside rest areas. 3. The department of public safety shall make the poster available for print on its public website. To obtain a copy of the poster, the owners or operators of an establishment required to post the human trafficking hotline notice under subsection 2 of this section may print the online poster using the online link or request that the poster be mailed for the cost of printing and first class postage. 4. Any owner or operator of an establishment required to post the human trafficking hotline notice under subsection 2 of this section who fails to comply with the requirement shall receive a written warning for the first violation and may be guilty of an infraction for any subsequent violation. ---------- (L. 2018 H.B. 1246)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.200 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.200. Definitions. —The following words as used in sections 595.200 to 595.215 shall have the following meanings, unless the context otherwise requires: (1)"Crime", an act which would constitute a violation of any criminal statute including any act which may result in an adjudication of delinquency; (2)"Custodial authority", the chief administrative officer or official in charge of a municipal detention facility, a county jail, a correctional facility operated by the department of corrections, a mental health facility or the division of youth services or any agency thereof; (3)"Disposition", the sentencing or determination of penalty or punishment to be imposed upon a person convicted of a crime or found delinquent or against whom a finding of sufficient facts for conviction or finding of delinquency is made; (4)"Family member", a spouse, child, sibling, parent, grandparent or legal guardian of a victim; (5)"Restitution", money or services which a court orders a defendant to pay or render to a victim as part of the disposition; (6)"Victim", a natural person who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime. The term "victim" also includes the family members of a minor, incompetent or a homicide victim; (7)"Witness", any person who has been or is expected to be summoned to testify for the prosecution whether or not any action or proceeding has yet been commenced. The term "witness" shall include persons employed in the administration of criminal justice who are testifying in the course of their employment, except that such persons shall not be entitled to any witness fees. ---------- (L. 1986 H.B. 873 & 874 § 12, A.L. 1993 S.B. 19)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.201 - Sexual assault survivors' bill of rights — definitions — rights enumerated, notice required — document required.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.201. Sexual assault survivors' bill of rights — definitions — rights enumerated, notice required — document required. —1. This section shall be known and may be cited as the "Sexual Assault Survivors' Bill of Rights". These rights shall be in addition to other rights as designated by law and no person shall discourage a person from exercising these rights. For the purposes of this section,"sexual assault survivor"means any person who is fourteen years of age or older and who may be a victim of a sexual offense who presents themselves to an appropriate medical provider, law enforcement officer, prosecuting attorney, or court. 2. A sexual assault survivor retains all the rights of this section regardless of whether a criminal investigation or prosecution results or if the survivor has previously waived any of these rights. A sexual assault survivor has the right to: (1) Consult with an employee or volunteer of a rape crisis center as defined in section 455.003; (2) A sexual assault forensic examination as provided in section 595.220, or when a telehealth network is established, a forensic examination as provided in section 192.2520 and section 197.135; (3) A shower and a change of clothing, as reasonably available, at no cost to the sexual assault survivor; (4) Request to be examined by an appropriate medical provider or interviewed by a law enforcement officer of the gender of the sexual assault survivor's choosing, when there is an available appropriate medical provider or law enforcement official of the gender of the sexual assault survivor's choosing; (5) An interpreter who can communicate in the language of the sexual assault survivor's choice, as is reasonably available, in a timely manner; (6) Notification and basic overview of the options of choosing a reported evidentiary collection kit, unreported evidentiary collection kit, or anonymous evidentiary collection kit as defined in section 595.220; (7) Notification about the evidence tracking system as defined in subsection 9 of section 595.220; (8) Notification about the right to information pursuant to subsection 4 of section 610.100; (9) Be free from intimidation, harassment, and abuse in any related criminal or civil proceeding and the right to reasonable protection from the offender or any person acting on behalf of the offender from harm and threats of harm arising out of the survivor's disclosure of the sexual assault. 3. An appropriate medical provider, law enforcement officer, and prosecuting attorney shall provide the sexual assault survivor with notification of the rights of survivors pursuant to subsection 2 of this section in a timely manner. Each appropriate medical provider, law enforcement officer, and prosecuting attorney shall ensure that the sexual assault survivor has been notified of these rights. 4. The department of public safety shall develop a document in collaboration with Missouri-based stakeholders. Missouri-based stakeholders shall include, but not be limited to, the following: (1) Prosecuting

attorneys; (2) Chief law enforcement officers or their designees; (3) Appropriate medical providers, as defined in section 595.220; (4) Representatives of the statewide coalition against domestic and sexual violence; (5) Representatives of rape crisis centers; (6) Representatives of the Missouri Hospital Association; (7) The director of the Missouri state highway patrol crime lab or their designee; and (8) The director of the department of health and senior services or their designee. 5. The document shall include the following: (1) A description of the rights of the sexual assault survivor pursuant to this section; and (2) Telephone and internet means for contacting the local rape crisis center, as defined in 455.003. --The department of public safety shall provide this document in clear language that is comprehensible to a person proficient in English and shall provide this document in any other foreign language spoken by at least five percent of the population in any county or city not within a county in Missouri. ---------- (L. 2020 S.B. 569, A.L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.202 - Missouri rights of victims of sexual assault task force — members, duties — report — expiration date.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.202. Missouri rights of victims of sexual assault task force — members, duties — report — expiration date. —1. There is hereby created the "Missouri Rights of Victims of Sexual Assault Task Force" to consist of the following members: (1) The following four members of the general assembly: (a) Two members of the senate, with no more than one member from the same political party and each member to be appointed by the president pro tempore of the senate; and (b) Two members of the house of representatives, with no more than one member from the same political party and each member to be appointed by the speaker of the house of representatives; (2) The director of the department of health and senior services or his or her designee; (3) A private citizen appointed by the governor; (4) A representative of a statewide coalition against domestic and sexual violence appointed by the governor; (5) A representative of rape crisis centers appointed by the governor; (6) The superintendent of the Missouri highway patrol or his or her designee; (7) A law enforcement officer appointed by the governor; (8) The director of the Missouri highway patrol crime lab or his or her designee; (9) An attorney appointed by the governor; and (10) A representative of the Missouri Hospital Association. 2. The task force shall study nationally recognized best practices and make recommendations regarding: (1) The development and implementation of an effective mechanism for submitting, tracking, and investigating complaints regarding the handling of, or response to, a sexual assault report or investigation by any agency or organization involved in the response; (2) The development of documentation for medical providers and law enforcement officers, in conjunction with the department of public safety, to provide to survivors informing them of their rights pursuant to section 595.201; (3) Whether a need exists for additional employees or volunteers of a rape crisis center for victims of sexual assault, and if such a need does exist, the task force shall: (a) Create a plan for how the state can provide, in conjunction with rape crisis centers, victims' advocates organizations, and the department of health and senior services, additional employees or volunteers of a rape crisis center to meet the needs identified; and (b) Determine the cost of funding such a plan; (4) Whether a need exists to expand the right to an employee or volunteer of a rape crisis center beyond the medical examination and law enforcement interview settings, and if such a need does exist, the task force shall: (a) Identify the scope and nature of the need; and (b) Make recommendations on how best to fill that need, whether legislatively or otherwise; (5) Whether a need exists to provide for ongoing evaluation of the implementation of these rights, and if such a need does exist, the task force shall: (a) Identify the scope and nature of the need; and (b) Make recommendations on how best to fill that need, whether legislatively or otherwise. 3. The task force shall: (1) Collect data regarding sexual assault reporting, arrests, prosecution rates, access to sexual assault victims services, and any other data important for its deliberations and recommendations; and (2) Collect feedback from stakeholders, practitioners, and leadership throughout the state and local law enforcement, victim services, forensic science practitioners, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of survivors. 4. The department of public safety shall provide administrative support to the task force. 5. On or before December 31, 2021, the task force shall submit a report on its findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions. 6. The task force shall expire on December 31, 2021. ---------- (L. 2020 S.B. 569) Expires: 12-31-21

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.206 - Victims eligible for services.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.206. Victims eligible for services. —A victim has the rights and is eligible for the services set forth in sections 595.200 to 595.215 only if such victim reported the crime to law enforcement authorities within five days of its occurrence or discovery, unless the prosecuting attorney finds that a good cause existed for not having done so. ---------- (L. 1986 H.B. 873 & 874 § 14)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.209 - Rights of victims and witnesses — written notification, requirements.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.209. Rights of victims and witnesses — written notification, requirements. —1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as defined in section 565.020, victims of

voluntary manslaughter, as defined in section 565.023, victims of any offense under chapter 566, victims of an attempt to commit one of the preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes: (1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case; (2) For victims, the right to information about the crime, as provided for in subdivision (5) of this subsection; (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case. Final disposition information shall be provided within five days; (4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise; (5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following: (a) The status of any case concerning a crime against the victim, including juvenile offenses; (b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community; (c) Any release of such person on bond or for any other reason; (d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person; (6) For victims, the right to be informed by appropriate juvenile authorities of probation revocation hearings initiated by the juvenile authority and the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, the right to be informed by the board of probation and parole of probation revocation hearings initiated by the board and of parole hearings, the right to be present at each and every phase of parole hearings, the right to be heard at probation revocation and parole hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of a personal appearance, and the right to have, upon written request of the victim, a partition set up in the probation or parole hearing room in such a way that the victim is shielded from the view of the probationer or parolee, and the right to be informed by the custodial mental health facility or agency thereof of any hearings for the release of a person committed pursuant to the provisions of chapter 552, the right to be present at such hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape, counsel or a representative designated by the victim in lieu of personal appearance; (7) For victims and witnesses, upon their written request, the right to be informed by the appropriate custodial authority, including any municipal detention facility, juvenile detention facility, county jail, correctional facility operated by the department of corrections, mental health facility, division of youth services or agency thereof if the offense would have been a felony if committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552 of the following: (a) The projected date of such person's release from confinement; (b) Any release of such person on bond; (c) Any release of such person on furlough, work release, trial release, electronic monitoring program, or to a community correctional facility or program or release for any other reason, in advance of such release; (d) Any scheduled parole or release hearings, including hearings under section 217.362, regarding such person and any changes in the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance notice; (e) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person; (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court presiding over releases under section 217.362, to release such person or any decision by the governor to commute the sentence of such person or pardon such person; (g) Notification within thirty days of the death of such person; (8) For witnesses who have been summoned by the prosecuting attorney and for victims, to be notified by the prosecuting attorney in a timely manner when a court proceeding will not go on as scheduled; (9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts; (10) For victims and witnesses, on charged cases or submitted cases where no charge decision has yet been made, to be informed by the prosecuting attorney of the status of the case and of the availability of victim compensation assistance and of financial assistance and emergency and crisis intervention services available within the community and information relative to applying for such assistance or services, and of any final decision by the prosecuting attorney not to file charges; (11) For victims, to be informed by the prosecuting attorney of the right to restitution which shall be enforceable in the same manner as any other cause of action as otherwise provided by law; (12) For victims and witnesses, to be informed by the court and the prosecuting attorney of procedures to be followed in order to apply for and receive any witness fee to which they are entitled; (13) When a victim's property is no longer needed for evidentiary reasons or needs to be retained pending an appeal, the prosecuting attorney or any law enforcement agency having possession of the property shall, upon request of the victim, return such property to the victim within five working days unless the property is contraband or subject to forfeiture proceedings, or provide written explanation of the reason why such property shall not be returned; (14) An employer may not discharge or discipline any witness, victim or member of a victim's immediate family for

honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require any witness, victim, or member of a victim's immediate family to use vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in the preparation of a criminal proceeding. A public school district, public school, or charter school shall not discipline a child for failure to comply with the district's or school's attendance policy, and the parent or legal guardian shall not be deemed to be in violation of the provisions of section 167.061, and the district or school shall not otherwise discipline a child, based on such child's honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or for participating in the preparation of a criminal proceeding; (15) For victims, to be provided with creditor intercession services by the prosecuting attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations; (16) For victims and witnesses, the right to speedy disposition of their cases, and for victims, the right to speedy appellate review of their cases, provided that nothing in this subdivision shall prevent the defendant from having sufficient time to prepare such defendant's defense. The attorney general shall provide victims, upon their written request, case status information throughout the appellate process of their cases. The provisions of this subdivision shall apply only to proceedings involving the particular case to which the person is a victim or witness; (17) For victims and witnesses, to be provided by the court, a secure waiting area during court proceedings and to receive notification of the date, time and location of any hearing conducted by the court for reconsideration of any sentence imposed, modification of such sentence or recall and release of any defendant from incarceration; (18) For victims, the right to receive upon request from the department of corrections a photograph taken of the defendant prior to release from incarceration. 2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing. 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of this section shall provide the appropriate person or agency with their current addresses, electronic mail addresses, and telephone numbers or the addresses, electronic mail addresses, or telephone numbers at which they wish notification to be given. 4. Notification by the appropriate person or agency utilizing the statewide automated crime victim notification system as established in section 650.310 shall constitute compliance with the victim notification requirement of this section. If notification utilizing the statewide automated crime victim notification system cannot be used, then written notification shall be sent by certified mail or electronic mail to the most current address or electronic mail address provided by the victim. 5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution or the laws of this state pertaining to the rights of victims of crime shall be granted and enforced regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor of the defendant to exclude victims or prevent their full participation in each and every phase of parole hearings or probation revocation hearings. The rights of the victims granted in this section are absolute and the policy of this state is that the victim's rights are paramount to the defendant's rights. The victim has an absolute right to be present at any hearing in which the defendant is present before a probation and parole hearing officer. ---------- (L. 1986 H.B. 873 & 874 § 15, A.L. 1992 S.B. 638, A.L. 1993 S.B. 19 § 595.209 subsecs. 1, 3, 4, A.L. 1994 S.B. 554 § 595.209 subsecs. 1, 2, 3, A.L. 1996 S.B. 884 & 841, A.L. 2003 S.B. 5, A.L. 2005 H.B. 353, A.L. 2007 H.B. 583, A.L. 2009 S.B. 338 , A.L. 2016 S.B. 921, A.L. 2023 S.B. 24 merged with S.B. 103 merged with S.B. 186, A.L. 2024 S.B. 727) CROSS REFERENCE: Offenders, photograph to be taken prior to release and provided to victim, 217.439

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.210 - Victims of sexually violent offenses, right to testify at parole hearings.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.210. Victims of sexually violent offenses, right to testify at parole hearings. —Any victim of a sexually violent offense, as defined in section 632.480, shall have the right to testify at any parole hearing scheduled for the sexually violent predator, as defined in section 632.480, who victimized such person, provided that the sexually violent predator is being considered for parole from imprisonment for a crime which arose out of such sexually violent predator's escape or attempted escape from commitment as a sexually violent predator under chapter 632. Such crimes shall not be limited to the crimes of escape or attempted escape, but shall include any crime which was committed during the course of the sexually violent predator's escape or attempted escape from commitment as a sexually violent predator. ---------- (L. 2005 H.B. 353) Effective 7-13-05

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.212 - Prosecuting attorneys to maintain program to afford rights to victims and witnesses — funding and approval of agency programs.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.212. Prosecuting attorneys to maintain program to afford rights to victims and witnesses — funding and approval of agency programs. —1. Each prosecuting attorney shall create and maintain, but not be limited to, a program to afford victims and witnesses of crimes the rights and services described in sections 595.200 to 595.215. 2. State funding shall be only for rights and services actually afforded victims and witnesses of crimes as set forth in sections 595.200 to 595.215. State and local government agencies which seek state funding shall have an operating victims' services program before said agency seeks state funding. The attorney general's office through the Missouri office of prosecution services utilizing existing staff and volunteers shall approve agency programs before such agency seeks state funding. Said approved programs shall be funded by the general assembly within the limits of funds

appropriated for such purposes. ---------- (L. 1986 H.B. 873 & 874 § 16, A.L. 1992 S.B. 638, A.L. 1993 S.B. 19)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.215 - Duty of cooperation for prosecutor, law enforcement and social service agencies.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.215. Duty of cooperation for prosecutor, law enforcement and social service agencies. —The prosecuting attorney, local law enforcement agencies, local social services agencies, and court shall cooperate to afford victims and witnesses of crimes the rights and services described in sections 595.200 to 595.215. ---------- (L. 1986 H.B. 873 & 874 § 17)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.218 - Construction of provisions, no cause of action created against public employees or agencies.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.218. Construction of provisions, no cause of action created against public employees or agencies. —Nothing in sections 595.200 to 595.215 shall be construed as creating a cause of action on behalf of any person against any public employee, public agency, the state or any agency responsible for the enforcement of rights and provisions of services set forth in sections 595.200 to 595.215. ---------- (L. 1986 H.B. 873 & 874 § 18)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.220 - Forensic examinations, department of public safety to pay medical providers, when — minor may consent to examination, when — forms — collection kits — definitions — electronic evidence tracking system, requirements — unreported evidentiary collection kits — rulemaking authority.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.220. Forensic examinations, department of public safety to pay medical providers, when — minor may consent to examination, when — forms — collection kits — definitions — electronic evidence tracking system, requirements — unreported evidentiary collection kits — rulemaking authority. —1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense if: (1) The victim or the victim's guardian consents in writing to the examination; and (2) The report of the examination is made on a form approved by the attorney general with the advice of the department of public safety. --The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam. 2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place. 3. The department of public safety, with the advice of the attorney general, shall develop the forms and procedures for gathering, transmitting, and storing evidence during and after the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors. The procedures for transmitting and storing examination evidence shall include the following requirements: (1) An appropriate medical provider shall provide electronic notification to the appropriate law enforcement agency when the provider has a reported or anonymous evidentiary collection kit; (2) Within fourteen days of notification from the appropriate medical provider, the law enforcement agency shall take possession of the evidentiary collection kit; (3) Within fourteen days of taking possession, the law enforcement agency shall provide the evidentiary collection kit to a laboratory; (4) A law enforcement agency shall secure an evidentiary collection kit for a period of thirty years if the offense has not been adjudicated. 4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense. 5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim: examination charges submitted shall be itemized and fall within the definition of forensic examination as defined in subdivision (7) of subsection 8 of this section. 6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075. 7. The department of public safety shall establish rules regarding the reimbursement of the costs of forensic examinations for children

under fourteen years of age, including establishing conditions and definitions for emergency and nonemergency forensic examinations and may by rule establish additional qualifications for appropriate medical providers performing nonemergency forensic examinations for children under fourteen years of age. The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused. 8. For purposes of this section, the following terms mean: (1)"Anonymous evidentiary collection kit", an evidentiary collection kit collected from a victim who wishes to remain anonymous, but who has consented, or his or her designee has consented on his or her behalf, to the collection of the evidentiary collection kit and to participate in the criminal justice process; (2)"Appropriate medical provider": (a) Any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section; or (b) For the purposes of any nonemergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of this section; (3)"Component", any piece of evidence that contains, or may contain, DNA related to the sexual offense for which the forensic examination was performed and that is not stored or maintained within the evidentiary collection kit; (4)"Consent", the electronically documented authorization by the victim, or his or her designee, to allow the evidentiary collection kit to be analyzed; (5)"Emergency forensic examination", an examination of a person under fourteen years of age that occurs within five days of the alleged sexual offense. The department of public safety may further define the term emergency forensic examination by rule; (6)"Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the department of public safety for forensic examinations; (7)"Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors; (8)"Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization; (9)"Nonemergency forensic examination", an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term nonemergency forensic examination by rule; (10)"Reported evidentiary collection kit", an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit and has consented to participate in the criminal justice process; (11)"Unreported evidentiary collection kit", an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit but has not consented to participate in the criminal justice process. 9. The attorney general shall establish protocols and an electronic platform to implement an electronic evidence tracking system that: (1) Identifies, documents, records, and tracks evidentiary collection kits and their components, including individual specimen containers, through their existence from forensic examination, to possession by a law enforcement agency, to testing, to use as evidence in criminal proceedings, and until disposition of such proceedings; (2) Assigns a unique alphanumeric identifier to each respective evidentiary collection kit, and all its respective components, and to each respective person, or his or her designees, who may handle an evidentiary test kit; (3) Links the identifiers of an evidentiary collection kit and its components, which shall be machine-readable indicia; (4) Allows each person, or his or her designees, who is properly credentialed to handle an evidentiary test kit to check the status of an evidentiary test kit or its components and to save a portfolio of identifiers so that the person, or his or her designees, may track, obtain reports, and receive updates on the status of evidentiary collection kits or their components; and (5) Allows sexual assault victims, or their designees, to track and obtain reports on the status and location of their evidentiary collection kits. This shall be a secured web-based or similar electronic-based communications system that shall require sexual assault victims, or their designees, to register to access tracking and reports of their evidentiary collection kits. 10. Appropriate medical providers, law enforcement agencies, laboratories, court personnel, persons or entities involved in the final disposition or destruction of evidentiary collection kits, and all other entities which and persons who have custody of evidentiary collection kits shall participate in the electronic evidence tracking system. 11. The department of public safety, with the advice of the attorney general and the assistance of the department of health and senior services, shall develop and retain within the state a central repository for unreported evidentiary collection kits, where such kits can be kept in a temperature-controlled environment that preserves the integrity of the evidence and diminishes degradation. Unreported evidentiary collection kits shall be retained for a period of five years. In the case of a minor under the age of eighteen when the unreported kit was collected, the unreported evidentiary kit shall be retained for a period of five years after the victim attains the age of eighteen. 12. Records entered into the electronic evidence tracking system shall be confidential and shall not be subject to disclosure under chapter 610. 13. The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void. ---------- (L. 2009 S.B. 338, A.L. 2011 S.B. 320, A.L. 2013 H.B. 215 merged with H.B. 505 merged with S.B. 256, A.L. 2018 H.B. 1355, A.L. 2020 S.B. 569)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.223 - Polygraph tests and psychological stress evaluator exams not permitted, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.223. Polygraph tests and psychological stress evaluator exams not permitted, when. —No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of an offense under chapter 566, or a victim of an offense of domestic assault or stalking to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such offense. ---------- (L. 2007 H.B. 583, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491) Transferred 2014; formerly 566.224; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.226 - Identifiable information in court records to be redacted, when — disclosure of information permitted, when — disclosure of identifying information regarding defendant, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.226. Identifiable information in court records to be redacted, when — disclosure of information permitted, when — disclosure of identifying information regarding defendant, when. —1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, including any visual or aural recordings that could be used to identify or locate any victim of an offense under chapter 566 or a victim of domestic assault or stalking shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include, but shall not be limited to, the name, home or temporary address, personal email address, telephone number, Social Security number, birth date, place of employment, any health information, including human immunodeficiency virus (HIV) status, any information from a forensic testing report, or physical characteristics, including an unobstructed visual image of the victim's face or body. 2. Any person who is requesting identifying information of a victim and who has a legitimate interest in obtaining such information may petition the court for an in camera inspection of the records. If the court determines the person is entitled to all or any part of such records, the court may order production and disclosure of the records, but only if the court determines that the disclosure to the person or entity would not compromise the welfare or safety of the victim, and only after providing reasonable notice to the victim and after allowing the victim the right to respond to such request. 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a case under chapter 566 or a case of domestic assault or stalking shall have the discretion to publicly disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure. ---------- (L. 2007 H.B. 583, A.L. 2009 H.B. 177 & H.B. 622, A.L. 2013 H.B. 215, A.L. 2014 S.B. 491, A.L. 2016 H.B. 1562, A.L. 2022 S.B. 775, et al.) Transferred 2014; formerly 566.226; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.229 - Plea bargain, sentencing, victim's right to appear or make statement — notice to victim.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.229. Plea bargain, sentencing, victim's right to appear or make statement — notice to victim. —1. Prior to the acceptance of a plea bargain by the court with respect to any person who has pled guilty to an offense after initially being charged with a felony, the court shall allow the victim of such offense to submit a written statement or appear before the court personally or by counsel for the purpose of making a statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant. 2. At the time of sentencing of any person who has pled guilty or been found guilty of a felony offense, the victim of such offense may appear before the court personally or by counsel for the purpose of making a statement or may submit a written statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the defendant. 3. The prosecuting attorney shall inform the victim or shall inform a member of the immediate family of the victim if the victim is dead or otherwise is unable to make a statement as a result of the offense committed by the defendant of the right to make a statement pursuant to subsections 1 and 2 of this section. If the victim or member of the immediate family supplies a stamped, self-addressed envelope, the prosecutor shall send notice of the time and location that the court will hear the guilty plea or render sentence. ---------- (L. 1986 S.B. 618 & 562 § 1, A.L. 2014 S.B. 491) Transferred 2014; formerly 557.041; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.232 - Identity theft — rights of victims — definition — incident reports, discretion of law enforcement not affected.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.232. Identity theft — rights of victims — definition — incident reports, discretion of law enforcement not affected. —1. Notwithstanding that jurisdiction may lie elsewhere for investigation and prosecution of an offense of identity theft, victims of identity theft have the right to contact the local law enforcement agency where the victim is domiciled and request that an incident report about the identity theft

be prepared and filed. The victim may also request from the local law enforcement agency to receive a copy of the incident report. The law enforcement agency may share the incident report with law enforcement agencies located in other jurisdictions. 2. As used in this section,"incident report"means a loss or other similar report prepared and filed by a local law enforcement agency. 3. Nothing in this section shall interfere with the discretion of a local law enforcement agency to allocate resources for investigations of crimes or to provide an incident report as permitted in this section. An incident report prepared and filed under this section shall not be an open case for purposes of compiling open case statistics. ---------- (L. 2008 H.B. 1384 and H.B. 2157, A.L. 2014 S.B. 491) Transferred 2014; formerly 570.222; Effective 1-01-17

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 595 - Victims of Crimes, Compensation and ServicesSection 595.320 - Domestic assault offenders, costs of batterer intervention program, how paid.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 595 595.320. Domestic assault offenders, costs of batterer intervention program, how paid. —If a judge orders a person who has been convicted of an offense under sections 565.072 to 565.076 to attend any batterer intervention program, as described in section 455.549, the person shall be financially responsible for any costs associated with attending such class. ---------- (L. 2022 S.B. 775, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.011 - Definitions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.011. Definitions. —The following words and phrases as used in this chapter have the following meanings, unless the context otherwise requires: (1)"Assigned counsel"means private attorneys who are hired by the state public defender director to handle the cases of eligible persons from time to time on a case basis; (2)"Assistant public defender", a staff attorney within a particular public defender office responsible for the handling of cases of eligible persons; (3)"Commission", the public defender commission; (4)"Defender(s)", includes both attorneys which serve as staff attorneys in the state defender system and contract counsel, but does not include secretarial, investigative, social service, or paraprofessional staff; (5)"Deputy director", the attorney or attorneys appointed by the commission to assist the state public defender director and to temporarily exercise the duties and powers of the director in his or her absence or upon his or her resignation, pending the commission's appointment of a new director; (6)"Deputy district defender", an attorney who assists the district defender in the management and supervision of a public defender district office and performs the duty of the district defender in his or her absence; (7)"Director", the state public defender director; (8)"District defender", the managing attorney in charge of a public defender district office; (9)"Division director", an employee responsible for the supervision and management of multiple district offices or areas of statewide responsibility as assigned by the director, or both; (10)"Eligible person", a person who falls within the financial rules for legal representation at public expense prescribed by section 600.086; (11)"State public defender system", a system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff. ---------- (L. 1982 H.B. 1169, A.L. 2013 H.B. 215)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.015 - Public defender commission created — appointment, terms, expenses, meetings, vacancies — director to be ex officio member.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.015. Public defender commission created — appointment, terms, expenses, meetings, vacancies — director to be ex officio member. —1. There is hereby created the "Public Defender Commission". The commission shall be composed of seven members, four of whom shall be lawyers, appointed by the governor with the advice and consent of the senate. No more than four members shall be of the same political party. 2. Upon the expiration of the terms of the persons who are members of the commission on April 1, 1982, the term of office of each commissioner thereafter appointed shall be six years from the time of his appointment and qualification and until his successor shall qualify. Vacancies in the commission shall be filled by the governor for the unexpired term. Commissioners may succeed themselves. 3. The state public defender director shall, upon appointment, become an ex officio member of the commission without vote and shall participate in all meetings of the commission except during discussions relating to renewal of his term or to his removal from his office and such other matters as the commission may designate. 4. The commission shall meet on a regular basis and shall be presided over by a chairperson elected by its members. 5. Commission members shall receive no salaries, but shall receive their actual and necessary expenses incurred in connection with the performance of their duties. ---------- (L. 1972 H.B. 1314 § 2, A.L. 1976 H.B. 1095, A.L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.017 - Commission, powers and duties.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.017. Commission, powers and duties. —The commission shall have the following powers together with all powers incident thereto or necessary for the performance thereof: (1) To select the director, deputy directors and public defenders; (2) To draw up procedures,

with the assistance of the director, for the selection of public defenders, assistant public defenders, and deputy public defenders and staff assistants; (3) Receive client complaints when not resolved by the defender agency, review office performance, and monitor the performance of the director; (4) Assist in insuring the independence of the state public defender system by educating the public regarding constitutional requirements and the function of the defenders; (5) Remove the director or any deputy from office in the event that good cause is shown; (6) Review the budget request prepared by the director, provide advice on the budget request before its submission, and provide support for the request before the legislature; (7) Approve the fee schedule for payment of assigned counsel; (8) Determine matters affecting the compensation, vacations and employment benefits of the state public defender director and the deputy directors; (9) Collect or enforce or contract for the collection and enforcement of liens and judgments in accordance with the provisions of sections 600.011 to 600.048 and 600.086 to 600.096 and establish any rules needed for processing any such liens and judgments; and (10) Make any rules needed for the administration of the state public defender system. ---------- (L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.019 - Public defender system created — director, appointment, qualifications, compensation, removal from office, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.019. Public defender system created — director, appointment, qualifications, compensation, removal from office, procedure. —1. The "Office of State Public Defender" is hereby created and established as an independent department of the judicial branch of state government. 2. The commission shall appoint a director of the office of state public defender as head of the office. He shall qualify and be sworn into office by a judge of the supreme court. He shall be an attorney with substantial experience in the representation of persons accused of crime. He shall have experience in administration of personnel and shall be dedicated to the goals of providing quality legal representation for eligible persons and of improving the quality of defense services generally. 3. The director shall devote full time to the duties of his office and shall not otherwise engage in the practice of law. His term of office shall be four years and until the appointment and qualification of a successor. His term may be renewable at the discretion of the commission. He may be removed by the commission during his term in office for good cause shown after notice and hearing. 4. The salary of the director shall be set by the commission but shall not exceed that of a circuit judge. ---------- (L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.021 - Public defenders, appointment, terms, qualifications, restrictions — compensation of defenders and employees — offices, where established — private attorneys, services authorized.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.021. Public defenders, appointment, terms, qualifications, restrictions — compensation of defenders and employees — offices, where established — private attorneys, services authorized. —1. The commission shall employ persons to be public defenders for a term of four years. A public defender shall employ such persons to be assistant public defenders, deputy public defenders, investigators, and any other employees as are necessary to discharge the function of the office, all of whom shall serve at the pleasure of the employing public defender. Circuit and regional public defenders holding office on April 1, 1982, shall continue to hold such office until the expiration of their terms under the direction of the director as otherwise described in this chapter. Public defenders may be appointed to serve additional terms by the commission. 2. Public defenders, assistant public defenders, and deputy public defenders shall be attorneys, licensed to practice law in this state, and shall not otherwise engage in the practice of law except as authorized by this chapter or by commission rule. Public defenders, assistant public defenders and deputy public defenders may be employed on a full- or part-time basis. 3. The compensation of persons appointed under this section shall be fixed by the commission. 4. The commission may establish such local or regional offices as it deems necessary to properly carry out purposes of this chapter. 5. The commission may appoint, on recommendation of the director, and fix the compensation of all other personnel necessary to the operation of the state public defender system. 6. The commission may contract with private attorneys to provide defense services in such areas of the state and on such terms as it deems appropriate. ---------- (L. 1982 H.B. 1169, A.L. 1986 S.B. 451)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.040 - Office space and utilities services, how provided — retirement system membership.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.040. Office space and utilities services, how provided — retirement system membership. —1. The city or county shall provide office space and utility services, other than telephone service, for the district public defender and his or her personnel. If there is more than one county in a district, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefor, all other expenses and costs of the state public defender system authorized under this chapter. 2. A complete budget for the state public defender system shall be provided through an annual appropriation subject to approval by the governor and the general assembly. The budget request for the state public defender system shall be approved by the commission and submitted directly to the governor and the general assembly by the director and shall not be subject to diminution or alteration by the judicial department of state government. 3. Any person who is a public defender or employee of a public defender shall be entitled to all benefits of the Missouri state employees' retirement system as defined in sections 104.310*to 104.550. ---------- (L. 1972 H.B. 1314 § 7, A.L. 1982 H.B. 1169, A.L. 2013

H.B. 215) *Section 104.310 was repealed by H.B. 1643, et al., 1988

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.042 - Director's duties and powers — cases for which representation is authorized — rules, procedure — discretionary powers of defender system — bar members appointment authorized — fund created, use of moneys.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.042. Director's duties and powers — cases for which representation is authorized — rules, procedure — discretionary powers of defender system — bar members appointment authorized — fund created, use of moneys. —1. The director shall: (1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender; (2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct; (3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter; (4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system; (5) Develop programs and administer activities to achieve the purposes of this chapter; (6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system; (7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate; (8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel; (9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the public defender - federal and other fund; (10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission; (11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system. 2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024. 3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate. 4. The director and defenders shall provide legal services to an eligible person: (1) Who is detained or charged with a felony, including appeals from a conviction in such a case; (2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence; (3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036; (4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary; (5) For whom the federal constitution or the state constitution requires the appointment of counsel; and (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section. 5. The director may: (1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri; (2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel. 6. There is hereby created within the state treasury the "Public Defender - Federal and Other Fund", which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund. ---------- (L. 1982 H.B. 1169, A.L. 1991 S.B. 194, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 1999 H.B. 852, A.L. 2006 H.B. 1698, et al., A.L. 2013 H.B. 215, A.L. 2016 S.B 735, A.L. 2019 H.B. 192 merged with S.B. 83

merged with S.B. 230, A.L. 2024 S.B. 754, et al.)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.043 - Involuntary civil detention or commitment cases, representation by defenders prohibited.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.043. Involuntary civil detention or commitment cases, representation by defenders prohibited. —The state public defender system shall not represent a person who faces a loss or deprivation of liberty pursuant to section 632.415, and nothing in sections 600.011 to 600.048 and 600.086 to 600.096 shall be construed to affect the legal representative provided to any person pursuant to section 632.415. ---------- (L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.044 - Legal services to be furnished by defender, dismissal from case, when, procedure.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.044. Legal services to be furnished by defender, dismissal from case, when, procedure. —A defender who undertakes to represent an eligible person shall continue to do so at every stage of the case or proceeding, including the filing of a motion for new trial and the processing, briefing, and argument of an appeal, until the defender is relieved of his duties by the director or is permitted by a court to withdraw. ---------- (L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.048 - Right to counsel, notice posted, where, contents — request for counsel, procedure — privacy rights.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.048. Right to counsel, notice posted, where, contents — request for counsel, procedure — privacy rights. —1. It shall be the duty of every person in charge of a jail, police station, constable's or sheriff's office, or detention facility provided by any county to post in a conspicuous place a notice stating in effect: (1) That every person held in custody under a charge or suspicion of a crime is entitled to have a lawyer; (2) That if any such person is held in custody in connection with any of the cases or proceedings set out in section 600.042, and wants a lawyer to represent him or her and is unable, without substantial financial hardship to self or his or her dependents, to obtain a lawyer, the state will provide a lawyer to represent him or her upon request; and (3) That if the state provides such a lawyer, the client may be liable to the state for the cost of the services and expenses of the lawyer who handles the case if he or she is or will be able to pay all or any part of such costs. --The notice shall also contain a listing of the cases and proceedings for which defender services are available under section 600.042, and the telephone number of a person or answering service to call to request that a person designated by the state public defender system visit and interview him or her, and provide further information. 2. A person who is charged or detained in any case listed in section 600.042 or who appears in court without counsel at any stage of a case, or any other person on behalf of such person, may request that legal representation be furnished to him or her by the state. The court or any person representing the state public defender system to whom such request is made shall first provide a copy of the notice referred to in subsection 1 of this section or call the posted notice to the charged or detained person's attention and permit him or her to read it or have it explained to him or her. If such person renews a request for state public defender system services, he or she shall be required to complete and sign an affidavit in accordance with section 600.086 and shall be orally informed of the punishment for intentionally falsifying such affidavit. 3. It shall be the duty of every person in charge of a jail, police station, constable's or sheriff's office, or detention facility to make a room or place available therein where any person held in custody under a charge or suspicion of a crime will be able to talk privately with his or her lawyer, lawyer's representative, or any authorized person responding to a request for an interview concerning his or her right to counsel. ---------- (L. 1982 H.B. 1169, A.L. 2013 H.B. 215)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.051 - Waiver of counsel, when permitted.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.051. Waiver of counsel, when permitted. —1. Any judge of a court of competent jurisdiction may permit a waiver of counsel to be filed in any criminal case wherein a defendant may receive a jail sentence or confinement if the court first determines that defendant has made a knowledgeable and intelligent waiver of the right to assistance of counsel and the waiver is signed before and witnessed by the judge or clerk of the court, providing further that the waiver contains at least the following information which the defendant has read or which has been read to the defendant before the signing thereof: (1) That the defendant has been charged with the offense of _____ (nature of charge must be inserted before signing); (2) That the defendant has a right to a trial on the charge and further that the defendant has a right to a trial by a jury; (3) That the maximum possible sentence on the charge is _____ imprisonment in jail and a fine in the amount of _____ dollars or by both imprisonment and fine. That the minimum possible sentence is _____ imprisonment in jail or by a fine in the amount of _____ dollars or by both such confinement and fine; (4) That the defendant is aware that any recommendations by a prosecuting attorney or other prosecuting official are not binding on the judge and that any such recommendations may or may not be accepted by judge; (5) That if defendant pleads guilty or is found guilty of the charge, the judge is most likely to impose a sentence of confinement; (6) That, if indigent, and unable to employ an attorney, the defendant has

a right to request the judge to appoint counsel to assist the defendant in his defense against the charge. 2. Such a waiver and procedure shall be required if the judge imposes an order of probation, parole or suspension of sentence whereby subsequently the defendant may be ordered confined thereunder. Whenever a judge has permitted the filing of a waiver and a plea of guilty or a finding of guilty on the charge is entered and before the imposition of a sentence of confinement (including probation, parole or suspended sentence), the judge shall determine: (1) That if a plea of guilty has been entered, there is a factual basis for such a plea and, upon inquiry of defendant, that defendant is in fact guilty of the charge; (2) That the defendant does not know of the existence of any witness or of any fact, circumstances or evidence which was not presented to the court, which would exonerate defendant of the charge; (3) That upon inquiry of the prosecuting attorney there are no witnesses or evidence which would cast a reasonable doubt about the defendant's guilt or defenses available to defendant not disclosed to the court. ---------- (L. 1976 H.B. 1095 § 600.046)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.062 - Acceptance of cases, no authority to limit based on caseload standards.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.062. Acceptance of cases, no authority to limit based on caseload standards. —Notwithstanding the provisions of sections 600.017 and 600.042 to the contrary, neither the director nor the commission shall have the authority to limit the availability of a district office or any division director, district defender, deputy district defender, or assistant public defender to accept cases based on a determination that the office has exceeded a caseload standard. The director, commission, any division director, district defender, deputy district defender, or assistant public defender may not refuse to provide representation required under this chapter without prior approval from a court of competent jurisdiction. ---------- (L. 2013 H.B. 215) Effective 7-02-13

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.063 - Caseload concerns, motion to court, procedure — rulemaking authority.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.063. Caseload concerns, motion to court, procedure — rulemaking authority. —1. Upon approval by the director or the commission, any district defender may file a motion to request a conference to discuss caseload issues involving any individual public defender or defenders, but not the entire office, with the presiding judge of any circuit court served by the district office. The motion shall state the reasons why the individual public defender or public defenders will be unable to provide effective assistance of counsel due to caseload concerns. When a motion to request a conference has been filed, the clerk of the court shall immediately provide a copy of the motion to the prosecuting or circuit attorney who serves the circuit court. 2. If the presiding judge approves the motion, a date for the conference shall be set within thirty days of the filing of the motion. The court shall provide notice of the conference date and time to the district defender and the prosecuting or circuit attorney. 3. Within thirty days of the conference, the presiding judge shall issue an order either granting or denying relief. If relief is granted, it shall be based upon a finding that the individual public defender or defenders will be unable to provide effective assistance of counsel due to caseload issues. The judge may order one or more of the following types of relief in any appropriate combination: (1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of section 600.064; (2) Investigate the financial status of any defendant determined to be eligible for public defender representation under section 600.086 and make findings regarding the eligibility of such defendants; (3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases to proceed without the provision of counsel to the defendant; (4) Modify the conditions of release ordered in any case in which the defendant is being represented by a public defender, including, but not limited to, reducing the amount of any bond required for release; (5) Place cases on a waiting list for defender services, taking into account the seriousness of the case, the incarceration status of the defendant, and such other special circumstances as may be brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or other interested parties; and (6) Grant continuances. 4. Upon receiving the order, the prosecuting or circuit attorney and the district defender shall have ten days to file an application for review to the appropriate appellate court. Such appeal shall be expedited by the court in every manner practicable. 5. Nothing in this section shall deny any party the right to seek any relief authorized by law nor shall any provisions of this section be construed as providing a basis for a claim for post-conviction relief by a defendant. 6. The commission and the supreme court may make such rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created by the commission under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void. ---------- (L. 2013 H.B. 215)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.064 - Private counsel, appointment of, requirements — expenses.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.064. Private counsel, appointment of, requirements — expenses. —1. Before a circuit court judge appoints private counsel to represent an indigent defendant, the judge shall: (1) Investigate the defendant's financial status to verify that the defendant does not have the

means to obtain counsel; (2) Provide each appointed lawyer, upon request, with an evidentiary hearing as to the propriety of the appointment, taking into consideration the lawyer's right to earn a livelihood and be free from involuntary servitude. If the judge determines after the hearing that the appointment will cause any undue hardship to the lawyer, the judge shall appoint another lawyer; and (3) Determine whether the private counsel to be appointed possesses the necessary experience, education, and expertise in criminal defense to provide effective assistance of counsel. 2. No judge shall require a lawyer to advance personal funds in any amount for the payment of litigation expenses to prepare a proper defense for an indigent defendant. 3. If an employee of the general assembly is appointed to represent an indigent defendant during the time period beginning January first and ending June first of each year, or whenever the general assembly is in a veto session or special session or is holding out-of-session committee hearings, the judge who made the appointment shall postpone the trial and all other proceedings of any kind or nature to a date that does not fall within such time period or appoint a different lawyer who is not an employee of the general assembly to represent the defendant. 4. Private counsel appointed to represent an indigent defendant may seek payment of litigation expenses from the public defender system. Such litigation expenses shall not include counsel fees and shall be limited to those expenses approved in advance by the director as reasonably necessary for the proper defense of the defendant. ---------- (L. 2013 H.B. 215)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.086 - Eligibility for representation, rules to establish — indigency, how determined, procedure, appeal — false statements, penalty — investigation authorized.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.086. Eligibility for representation, rules to establish — indigency, how determined, procedure, appeal — false statements, penalty — investigation authorized. —1. A person shall be considered eligible for representation under sections 600.011 to 600.048 and 600.086 to 600.096 when it appears from all the circumstances of the case including his ability to make bond, his income and the number of persons dependent on him for support that the person does not have the means at his disposal or available to him to obtain counsel in his behalf and is indigent as hereafter determined. 2. Within the parameters set by subsection 1 of this section, the commission may establish and enforce such further rules for courts and defenders in determining indigency as may be necessary. 3. The determination of indigency of any person seeking the services of the state public defender system shall be made by the defender or anyone serving under him at any stage of the proceedings. Upon motion by either party, the court in which the case is pending shall have authority to determine whether the services of the public defender may be utilized by the defendant. Upon the courts finding that the defendant is not indigent, the public defender shall no longer represent the defendant. Any such person claiming indigency shall file with the court an affidavit which shall contain the factual information required by the commission under rules which may be established by the commission in determining indigency. 4. Any person who intentionally falsifies such affidavit in order to obtain state public defender system services shall be guilty of a class A misdemeanor. 5. The director or anyone serving under him may institute an investigation into the financial status of any person seeking the services of the state public defender system at such times as the circumstances shall warrant. In connection therewith he shall have the authority to require any person seeking the services of the state public defender system or the parents, guardians or other persons responsible for the support of a person seeking the services of the state public defender system who is a minor or those persons holding property in trust or otherwise for such person to execute and deliver such written authorization as may be necessary to provide the director or anyone serving under him with access to records of public or private sources, otherwise confidential, or any other information which may be relevant to the making of a decision as to eligibility under this chapter. The director, chief deputy director, each public defender and each assistant and deputy public defender or designee are authorized to obtain information from any office of the state or any subdivision, or agency thereof or political subdivision on request and without payment of any fees. Any office of the state or any subdivision, or agency thereof or political subdivision from which the director, chief deputy director, public defender and each assistant and deputy public defender or designee requests information pursuant to this section shall supply such information, without payment of any fees. 6. The burden shall lie on the accused or the defendant to convince the defender or the court of his eligibility to receive legal services, in any conference, hearing or question thereon. ---------- (L. 1976 H.B. 1095 § 600.052, A.L. 1982 H.B. 1169, A.L. 1993 S.B. 180)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.089 - Parolees to pay for representation, when.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.089. Parolees to pay for representation, when. —If the public defender commission has obtained a judgment against an offender in the custody of the department of corrections, and the offender is later paroled and becomes financially able to pay all or some part of such judgment, he shall be required, as a condition of his continued parole, to pay over to the public defender commission such amounts as he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with the schedule of charges for public defender services prepared pursuant to section 600.090. ---------- (L. 1986 S.B. 451 § 1, A.L. 1990 H.B. 974)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.090 - Determination of ability to pay all or part of representation costs — lien for reasonable value of services, procedure — deposit of funds collected.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.090. Determination of ability to pay all or part of representation costs — lien for reasonable value of services, procedure — deposit of

funds collected. —1. (1) If a person is determined to be eligible for the services provided by the state public defender system and if, at the time such determination is made, he is able to provide a limited cash contribution toward the cost of his representation without imposing a substantial hardship upon himself or his dependents, such contribution shall be required as a condition of his representation by the state public defender system. (2) If at any time, either during or after the disposition of his case, such defendant becomes financially able to meet all or some part of the cost of services rendered to him, he shall be required to reimburse the commission in such amounts as he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with a schedule of charges for public defender services prepared by the commission. (3) No difficulty or failure in the making of such payment shall reduce or in any way affect the rendering of public defender services to such persons. 2. (1) The reasonable value of the services rendered to a defendant pursuant to sections 600.011 to 600.048 and 600.086 to 600.096 may in all cases be a lien on any and all property to which the defendant shall have or acquire an interest. The public defender shall effectuate such lien whenever the reasonable value of the services rendered to a defendant appears to exceed one hundred fifty dollars and may effectuate such lien where the reasonable value of those services appears to be less than one hundred fifty dollars. (2) To effectuate such a lien, the public defender shall, prior to the final disposition of the case or within ten days thereafter, file a notice of lien setting forth the services rendered to the defendant and a claim for the reasonable value of such services with the clerk of the circuit court. The defendant shall be personally served with a copy of such notice of lien. The court shall rule on whether all or any part of the claim shall be allowed. The portion of the claim approved by the court as the value of defender services which has been provided to the defendant shall be a judgment at law. The public defender shall not be required to pay filing or recording fees for or relating to such claim. (3) Such judgment shall be enforceable in the name of the state on behalf of the commission by the prosecuting attorney of the circuit in which the judgment was entered. (4) The prosecuting attorney may compromise and make settlement of, or, with the concurrence of the director, forego any claims for services performed for any person pursuant to this chapter whenever the financial circumstances of such person are such that the best interests of the state will be served by such action. 3. The commission may contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system. 4. The lien created by this section shall be from the time filed in the court by the defender a charge or claim against any assets of the defendant; provided further that the same shall be served upon the person in possession of the assets or shall be recorded in the office of the recorder of deeds in the county in which the person resides or in which the assets are located. 5. Funds collected pursuant to this section and section 600.093 shall be credited to the "Legal Defense and Defender Fund" which is hereby created. The moneys credited to the legal defense and defender fund shall be used for the purpose of training public defenders, assistant public defenders, deputy public defenders and other personnel pursuant to subdivision (7) of subsection 1 of section 600.042, and may be used to pay for expert witness fees, the costs of depositions, travel expenses incurred by witnesses in case preparation and trial, expenses incurred for changes of venue and for other lawful expenses as authorized by the public defender commission. 6. The state treasurer shall be the custodian of the legal defense and defender fund, moneys in the legal defense and defender fund shall be deposited the same as are other state funds, and any interest accruing to the legal defense and defender fund shall be added to the legal defense and defender fund. The legal defense and defender fund shall be subject to audit, the same as other state funds and accounts, and shall be protected by the general bond given by the state treasurer. 7. Upon the request of the director of the office of state public defender, the commissioner of administration shall approve disbursements from the legal defense and defender fund. The legal defense and defender fund shall be funded annually by appropriation, but any unexpended remaining balance in the fund at the end of the appropriation period shall be exempt from the provisions of section 33.080, specifically as they relate to the transfer of fund balances to the general revenue, and shall be the amount of the fund at the beginning of the appropriation period next immediately following. ---------- (L. 1976 H.B. 1095 § 600.053, A.L. 1982 H.B. 1169, A.L. 1986 S.B. 451, A.L. 2016 S.B. 735)

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.091 - Confidentiality of defender's files, exceptions.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.091. Confidentiality of defender's files, exceptions. —The files maintained by the state public defender office which relate to the handling of any case shall be considered confidential and shall not be open to inspection by any person unless authorized by law, court order, the commission, or the director. Nothing in this section shall be construed to prohibit access by the state auditor to those records of the state public defender system needed by the state auditor to carry out the duties of his office. ---------- (L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.093 - Probation, payment for services may be condition.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.093. Probation, payment for services may be condition. —The court may require a defendant to repay all or a part of the value of the legal services rendered by the state public defender system as a condition of probation. ---------- (L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.096 - Reports, documents, statements, transcripts to be furnished to defender without fee.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.096. Reports, documents, statements, transcripts to be furnished to defender without fee. —An office of the state, or any department, division, agency or political subdivision thereof, including a prosecutor's office and a police department, shall furnish copies, upon request, of any reports, documents, statements or transcripts prepared by the state, or any department, division, agency or political subdivision thereof concerning a person represented by the state public defender system to the defender representing such person without charge. ---------- (L. 1982 H.B. 1169) Effective 4-01-82

2024 Missouri Revised StatutesTitle XXXVIII - Crimes and Punishment; Peace Officers and Public DefendersChapter 600 - Public DefendersSection 600.101 - Provision of office space for public defender, disputes.

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS Chapter 600 600.101. Provision of office space for public defender, disputes. —Any dispute between any county or city not within a county and the state public defender regarding office space and utility service provided or to be provided pursuant to section 600.040 may be submitted to the judicial finance commission established pursuant to section 477.600. ---------- (L. 1999 S.B. 1, et al., A.L. 2016 S.B. 735)