

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 1750, Page 3, Section 162.091, Line 20,  
2 by adding after all of said section and line the following:

3  
4 "302.010. Except where otherwise provided, when used in this chapter, the following words  
5 and phrases mean:

6 (1) "Circuit court", each circuit court in the state;

7 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
8 freight and merchandise, or more than fifteen passengers;

9 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to  
10 secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent  
11 to a conviction, except that when any conviction as a result of which points are assessed pursuant to  
12 section 302.302 is appealed, the term "conviction" means the original judgment of conviction for the  
13 purpose of determining the assessment of points, and the date of final judgment affirming the  
14 conviction shall be the date determining the beginning of any license suspension or revocation  
15 pursuant to section 302.304;

16 (4) "Criminal history check", a search of criminal records, including criminal history record  
17 information as defined in section 43.500, maintained by the Missouri state highway patrol in the  
18 Missouri criminal records repository or by the Federal Bureau of Investigation as part of its criminal  
19 history records, including, but not limited to, any record of conviction, plea of guilty or nolo  
20 contendere, or finding of guilty in any state for any offense related to alcohol, controlled substances,  
21 or drugs;

22 (5) "Director", the director of revenue acting directly or through the director's authorized  
23 officers and agents;

24 (6) "Farm tractor", every motor vehicle designed and used primarily as a farm implement  
25 for drawing plows, mowing machines and other implements of husbandry;

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

28 (8) "Incompetent to drive a motor vehicle", a person who has become physically incapable  
29 of meeting the prescribed requirements of an examination for an operator's license, or who has been  
30 adjudged by a probate division of the circuit court in a capacity hearing of being incapacitated;

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1 (9) "License", a license issued by a state to a person which authorizes a person to operate a  
2 motor vehicle;

3 (10) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except  
4 motorized bicycles, as defined in section 307.180 and electric bicycles, as defined in section  
5 301.010;

6 (11) "Motorcycle", a motor vehicle operated on two wheels; however, this definition shall  
7 not include motorized bicycles or electric bicycles as such terms are defined in section 301.010;

8 (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle  
9 operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, but  
10 excluding an electric bicycle as defined in section 301.010;

11 (13) "Moving violation", that character of traffic violation where at the time of violation the  
12 motor vehicle involved is in motion, except that the term does not include the driving of a motor  
13 vehicle without a valid motor vehicle registration license, or violations of sections 304.170 to  
14 304.240, inclusive, relating to sizes and weights of vehicles;

15 (14) "Municipal court", every division of the circuit court having original jurisdiction to try  
16 persons for violations of city ordinances;

17 (15) "Nonresident", every person who is not a resident of this state;

18 (16) "Operator", every person who is in actual physical control of a motor vehicle upon a  
19 highway;

20 (17) "Owner", a person who holds the legal title of a vehicle or in the event a vehicle is the  
21 subject of an agreement for the conditional sale or lease thereof with the right of purchase upon  
22 performance of the conditions stated in the agreement and with an immediate right of possession  
23 vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to  
24 possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the  
25 purpose of sections 302.010 to 302.540;

26 (18) "Record" includes, but is not limited to, papers, documents, facsimile information,  
27 microphotographic process, electronically generated or electronically recorded information,  
28 digitized images, deposited or filed with the department of revenue;

29 (19) "Residence address", "residence", or "resident address" shall be the location at which a  
30 person has been physically present, and that the person regards as home. A residence address is a  
31 person's true, fixed, principal, and permanent home, to which a person intends to return and remain,  
32 even though currently residing elsewhere;

33 (20) "Restricted driving privilege", a sixty-day driving privilege issued by the director of  
34 revenue following a suspension of driving privileges for the limited purpose of driving in connection  
35 with the driver's business, occupation, employment, formal program of secondary, postsecondary or  
36 higher education, or for an alcohol education or treatment program or certified ignition interlock  
37 provider, or a ninety-day interlock restricted privilege issued by the director of revenue for the  
38 limited purpose of driving in connection with the driver's business, occupation, employment,  
39 seeking medical treatment for such driver or a dependent family member, attending school or other

1 institution of higher education, attending alcohol- or drug-treatment programs, seeking the required  
2 services of a certified ignition interlock provider, fulfilling court obligations, including required  
3 appearances and probation and parole obligations, religious services, the care of a child or children,  
4 including scheduled visitation or custodial obligations pursuant to a court order, fueling  
5 requirements for any vehicle utilized, and seeking basic nutritional requirements;

6 (21) "School bus", when used in sections 302.010 to 302.540, means any motor vehicle,  
7 either publicly or privately owned, that is designed for carrying more than ten passengers and that is  
8 used to transport students to and from school, or to transport pupils properly chaperoned to and from  
9 any place within the state for educational purposes. The term "school bus" shall not include a bus  
10 operated by a public utility, municipal corporation or common carrier authorized to conduct local or  
11 interstate transportation of passengers when such bus is not traveling a specific school bus route but  
12 is:

13 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or

14 (b) Furnishing charter service for the transportation of persons enrolled as students on field  
15 trips or other special trips or in connection with other special events;

16 (22) "School bus operator", an operator who operates a school bus as defined in subdivision  
17 (21) of this section in the transportation of any schoolchildren and who receives compensation for  
18 such service. The term "school bus operator" shall not include any person who transports  
19 schoolchildren as an incident to employment with a school or school district, such as a teacher,  
20 coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or  
21 employed by a school or school district as a school bus operator;

22 (23) "Signature", any method determined by the director of revenue for the signing,  
23 subscribing or verifying of a record, report, application, driver's license, or other related document  
24 that shall have the same validity and consequences as the actual signing by the person providing the  
25 record, report, application, driver's license or related document;

26 (24) "Substance abuse traffic offender program", a program certified by the division of  
27 alcohol and drug abuse of the department of mental health to provide education or rehabilitation  
28 services pursuant to a professional assessment screening to identify the individual needs of the  
29 person who has been referred to the program as the result of an alcohol- or drug-related traffic  
30 offense. Successful completion of such a program includes participation in any education or  
31 rehabilitation program required to meet the needs identified in the assessment screening. The  
32 assignment recommendations based upon such assessment shall be subject to judicial review as  
33 provided in subsection 14 of section 302.304 and subsections 1 and 5 of section 302.540;

34 (25) "Vehicle", any mechanical device on wheels, designed primarily for use, or used on  
35 highways, except motorized bicycles, electric bicycles, vehicles propelled or drawn by horses or  
36 human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized  
37 wheelchairs operated by handicapped persons.

38 304.060. 1. The state board of education shall adopt and enforce regulations not  
39 inconsistent with law to cover the design and operation of all school buses used for the

1 transportation of school children when owned and operated by any school district or privately  
2 owned and operated under contract with any school district in this state, and such regulations shall  
3 by reference be made a part of any such contract with a school district. School districts shall have  
4 the authority to use motor vehicles other than school buses for the purpose of transporting school  
5 children. The state board of education may adopt rules and regulations governing the use of other  
6 vehicles owned by a district or operated under contract with any school district in this state and used  
7 for the purpose of transporting school children~~[-The operator of such vehicle shall be licensed in~~  
8 ~~accordance with section 302.272, and such vehicle],~~ excluding motor vehicles operating under the  
9 authority of the department of revenue under sections 387.400 to 387.440. Motor vehicles other  
10 than school buses used to transport school children shall transport no more children than the  
11 manufacturer suggests as appropriate for such vehicle and meet any additional requirements of the  
12 school district. The state board of education may also adopt rules and regulations governing the use  
13 of authorized common carriers for the transportation of students on field trips or other special trips  
14 for educational purposes. Every school district, its officers and employees, and every person  
15 employed under contract by a school district shall be subject to such regulations. The state board of  
16 education shall cooperate with the state transportation department and the state highway patrol in  
17 placing suitable warning signs at intervals on the highways of the state.

18         2. Notwithstanding the provisions of subsection 1 of this section, any school board in the  
19 state of Missouri in an urban district containing the greater part of the population of a city which has  
20 more than three hundred thousand inhabitants may contract with any municipality, bi-state agency,  
21 or other governmental entity for the purpose of transporting school children attending a grade or  
22 grades not lower than the ninth nor higher than the twelfth grade, provided that such contract shall  
23 be for additional transportation services, and shall not replace or fulfill any of the school district's  
24 obligations pursuant to section 167.231. The school district may notify students of the option to use  
25 district-contracted transportation services.

26         3. Any officer or employee of any school district who violates any of the regulations or fails  
27 to include obligation to comply with such regulations in any contract executed by him on behalf of a  
28 school district shall be guilty of misconduct and subject to removal from office or employment.  
29 Any person operating a school bus under contract with a school district who fails to comply with  
30 any such regulations shall be guilty of breach of contract and such contract shall be cancelled after  
31 notice and hearing by the responsible officers of such school district.

32         4. Any other provision of the law to the contrary notwithstanding, in any county of the first  
33 class with a charter form of government adjoining a city not within a county, school buses may bear  
34 the word "special"."; and  
35

36 Further amend said bill by amending the title, enacting clause, and intersectional references  
37 accordingly.