

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 767,
653, 754, 705, 441, 528,
831, 833 & 847**

96TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, March 8, 2012, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5761S.04C

AN ACT

To repeal sections 143.1009 and 301.3084, RSMo, and to enact in lieu thereof ten new sections relating to transportation.

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

Section A. Sections 143.1009 and 301.3084, RSMo, are repealed and ten
2 new sections enacted in lieu thereof, to be known as sections 143.1009, 227.307,
3 227.395, 227.501, 227.503, 227.509, 301.473, 301.3052, 301.3165, and 301.3084,
4 to read as follows:

143.1009. 1. In each taxable year beginning on or after January 1, 2008,
2 each individual or corporation entitled to a tax refund in an amount sufficient to
3 make a designation under this section may designate that one dollar or any
4 amount in excess of one dollar on a single return, and two dollars or any amount
5 in excess of two dollars on a combined return, of the refund due be credited to the
6 breast cancer awareness trust fund, hereinafter referred to as the trust fund. If
7 any individual or corporation that is not entitled to a tax refund in an amount
8 sufficient to make a designation under this section wishes to make a contribution
9 to the trust fund, such individual or corporation may, by separate check, draft,
10 or other negotiable instrument, send in with the payment of taxes, or may send
11 in separately, that amount, clearly designated for the breast cancer awareness
12 trust fund, the individual or corporation wishes to contribute. The department
13 of revenue shall deposit such amount to the trust fund as provided in subsections

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 2 and 3 of this section. All moneys credited to the trust fund shall be considered
15 nonstate funds under the provisions of article IV, section 15 of the Missouri
16 Constitution.

17 2. The director of revenue shall deposit at least monthly all contributions
18 designated by individuals under this section to the state treasurer for deposit to
19 the trust fund.

20 3. The director of revenue shall deposit at least monthly all contributions
21 designated by the corporations under this section, less an amount sufficient to
22 cover the costs of collection and handling by the department of revenue, to the
23 state treasury for deposit to the trust fund.

24 4. A contribution designated under this section shall only be deposited in
25 the trust fund after all other claims against the refund from which such
26 contribution is to be made have been satisfied.

27 5. All moneys transferred to the trust fund shall be distributed by the
28 director of revenue at times the director deems appropriate to the [Friends of the
29 Missouri Women's Council] **department of health and senior services**. Such
30 funds shall be used solely for the purpose of providing breast cancer
31 services. Notwithstanding the provisions of section 33.080 to the contrary,
32 moneys in the trust fund at the end of any biennium shall not be transferred to
33 the credit of the general revenue fund.

34 6. There is hereby created in the state treasury the "Breast Cancer
35 Awareness Trust Fund", which shall consist of money collected under this
36 section. The state treasurer shall be custodian of the fund. In accordance with
37 sections 30.170 and 30.180, the state treasurer may approve disbursements.

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

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

42 (2) If such program is reauthorized, the program authorized under this
43 section shall automatically sunset twelve years after the effective date of the
44 reauthorization of this section; and

45 (3) This section shall terminate on December thirty-first of the calendar
46 year immediately following the calendar year in which the program authorized
47 under this section is sunset.

**227.307. The portion of Missouri Route 116 located in Clinton
2 County, from its intersection with Center Street or State Highway A in**

3 the city of Lathrop, west to its intersection with Missouri Route 33,
4 shall be designated as the "Sgt. Issac B. Jackson Memorial
5 Highway". The department of transportation shall erect and maintain
6 appropriate signs designating such highway, with the costs to be paid
7 for by private donation.

227.395. The portion of Missouri Route 25 in Stoddard County
2 from the city limits of Advance to one mile south of such city limits
3 shall be designated the "Sp. James Burnett, Jr. Memorial
4 Highway". The department of transportation shall erect and maintain
5 appropriate signs designating such highway, with the costs to be paid
6 for by private donation.

227.501. The portion of Highway 5 between the city of Ava and
2 the city of Mansfield shall be designated the "Missouri Fox Trotting
3 Highway". The department of transportation shall erect and maintain
4 appropriate signs designating such highway, with the costs for such
5 designation to be paid for by private donation.

227.503. The bi-directional pedestrian and bicycle path on the
2 Heart of America Bridge, which carries Route 9 over the Missouri River
3 in Kansas City, Missouri, shall be designated the "Bob Watts Memorial
4 Bicycle & Pedestrian Bridge". The department of transportation shall
5 erect and maintain appropriate signs designating such pedestrian and
6 bicycle lane, with the costs to be paid for by private donations.

227.509. The portion of Highway 64/40 between mile markers 10.2
2 and 12.8 in St. Charles County shall be designated the "Darrell B.
3 Roegner Memorial Highway". Costs for such designation shall be paid
4 by private donations.

301.473. 1. Notwithstanding any other provision of law, any
2 person, after an annual payment of an emblem-use fee to the Missouri
3 Junior Golf Foundation, may receive personalized speciality license
4 plates for any vehicle owned, either solely or jointly, other than an
5 apportioned motor vehicle or a commercial motor vehicle licensed in
6 excess of eighteen thousand pounds gross weight. The Missouri Junior
7 Golf Foundation hereby authorizes the use of its official emblem to be
8 affixed on multi-year personalized speciality license plates as provided
9 in this section. Any contribution to the Missouri Junior Golf
10 Foundation derived from this section, except reasonable administrative

11 costs, shall be used solely for the purposes of the Missouri Junior Golf
12 Foundation. Any person may annually apply for the use of the emblem.

13 2. Upon annual application and payment of a twenty-five dollar
14 emblem-use contribution to the Missouri Junior Golf Foundation, the
15 Missouri Junior Golf Foundation shall issue to the vehicle owner,
16 without further charge, an emblem-use authorization statement, which
17 shall be presented by the vehicle owner to the director of revenue at
18 the time of registration. Upon presentation of the annual emblem-use
19 authorization statement and payment of a fifteen dollar fee in addition
20 to the regular registration fees, and presentation of any documents
21 which may be required by law, the director of revenue shall issue to the
22 vehicle owner a personalized speciality license plate which shall bear
23 the emblem of the Missouri Junior Golf Foundation, and the words
24 "MISSOURI JUNIOR GOLF FOUNDATION - BUILDING THE FUTURE"
25 at the bottom of the plate, in a manner prescribed by the director of
26 revenue. Such license plates shall be made with fully reflective
27 material with a common color scheme and design, shall be clearly
28 visible at night, shall have a reflective white background in the area of
29 the plate configuration, and shall be aesthetically attractive, as
30 prescribed by section 301.130. Notwithstanding the provisions of
31 section 301.144, no additional fee shall be charged for the personalized
32 specialty plates issued under this section.

33 3. A vehicle owner who was previously issued a plate with the
34 Missouri Junior Golf Foundation's emblem authorized by this section,
35 but who does not provide an emblem-use authorization statement at a
36 subsequent time of registration, shall be issued a new plate which does
37 not bear the Missouri Junior Golf Foundation's emblem, as otherwise
38 provided by law. The director of revenue shall make necessary rules
39 and regulations for the enforcement of this section, and shall design all
40 necessary forms required by this section.

41 4. Prior to the issuance of a Missouri Junior Golf Foundation
42 speciality plate authorized under this section, the department of
43 revenue must be in receipt of an application, as prescribed by the
44 director, which shall be accompanied by a list of at least two hundred
45 potential applicants who plan to purchase the speciality plate, the
46 proposed art design for the specialty license plate, and an application

47 fee, not to exceed five thousand dollars, to defray the department's cost
48 for issuing, developing, and programming the implementation of the
49 specialty plate. Once the plate design is approved, the director of
50 revenue shall not authorize the manufacture of the material to produce
51 such personalized specialty license plates with the individual seal, logo,
52 or emblem until such time as the director has received two hundred
53 applications, the fifteen dollar specialty plate fee per application, and
54 emblem-use statements, if applicable, and other required documents or
55 fees for such plates.

56 5. The specialty personalized plate shall not be redesigned unless
57 the organization pays the director in advance for all redesigned plate
58 fees for the plate established in this section. If a member chooses to
59 replace the specialty personalized plate for the new design, the member
60 must pay the replacement fees prescribed in section 301.300 for the
61 replacement of the existing specialty personalized plate. All other
62 applicable license plates fees in accordance with this chapter shall be
63 required.

301.3052. 1. Any person who has been awarded the military
2 service award or medal known as the "Navy Cross" pursuant to 10 U.S.C.
3 Section 6242 may apply for Navy Cross motor vehicle license plates for
4 any motor vehicle such person owns, either solely or jointly, other than
5 an apportioned motor vehicle or a commercial motor vehicle licensed
6 in excess of eighteen thousand pounds gross weight.

7 2. Any such person shall make application for the Navy Cross
8 license plates on a form provided by the director of revenue and
9 furnish such proof as a recipient of the Navy Cross as the director may
10 require.

11 3. Upon presentation of such proof as a recipient of the Navy
12 Cross and payment of a fifteen dollar fee in addition to regular
13 registration fees, and presentation of any documents which may be
14 required by law, the director of revenue shall issue to the vehicle
15 owner a special personalized license plate which shall bear an image
16 of the Navy Cross medal and the words "NAVY CROSS" at the bottom of
17 the plate, in a manner proscribed by the director of revenue. Such
18 license plates shall be made with fully reflective material with a
19 common color scheme and design, shall be clearly visible at night, and

20 shall be aesthetically attractive, as prescribed by section 301.130.

21 4. There shall be a fifteen-dollar fee in addition to the regular
22 registration fees charged for each set of Navy Cross license plates
23 issued pursuant to this section. Notwithstanding the provisions of
24 section 301.144, no additional fee shall be charged for the
25 personalization of license plates issued pursuant to this section.

26 5. There shall be no limit on the number of license plates any
27 person qualified under to this section may obtain so long as each set of
28 license plates issued pursuant to this section is issued for vehicles
29 owned solely or jointly by such person.

30 6. License plates issued pursuant to the provisions of this section
31 shall not be transferable to any other person except that any registered
32 co-owner of the motor vehicle shall be entitled to operate the motor
33 vehicle with such plates for the duration of the year licensed in the
34 event of the death of the qualified person.

35 7. The director may consult with any organization which
36 represents the interests of persons receiving the Navy Cross when
37 formulating the design for the special license plates described in this
38 section.

39 8. The director of revenue shall make necessary rules and
40 regulations for the enforcement of this section, and shall design all
41 necessary forms required by this section. Any rule or portion of a rule,
42 as that term is defined in section 536.010 that is created under the
43 authority delegated in this section shall become effective only if it
44 complies with and is subject to all of the provisions of chapter 536, and,
45 if applicable, section 536.028. This section and chapter 536 are
46 nonseverable and if any of the powers vested with the general assembly
47 pursuant to chapter 536, to review, to delay the effective date, or to
48 disapprove and annul a rule are subsequently held unconstitutional,
49 then the grant of rulemaking authority and any rule proposed or
50 adopted after August 28, 2012, shall be invalid and void.

301.3084. 1. Any person may receive special license plates as prescribed
2 by this section, for any motor vehicle such person owns, either solely or jointly,
3 other than an apportioned motor vehicle or a commercial motor vehicle licensed
4 in excess of eighteen thousand pounds gross weight[, after an annual contribution
5 of an emblem-use authorization fee to the Friends of the Missouri Women's

6 Council. Any contribution to the Friends of the Missouri Women's Council
7 pursuant to this section, except reasonable administrative costs, shall be
8 designated for the sole purpose of providing breast cancer services, including but
9 not limited to screening, treatment, staging, and follow-up services. The Friends
10 of the Missouri Women's Council hereby authorizes the use of its official emblem
11 to be affixed on multiyear personalized license plates as provided in this
12 section. Any person may annually apply for the use of the emblem]. **Upon**
13 **making a twenty-five dollar annual contribution to support breast**
14 **cancer awareness activities conducted by the department of health and**
15 **senior services, the vehicle owner may apply for a "Breast Cancer**
16 **Awareness" license plate. If the contribution is made directly to the**
17 **state treasurer, the state treasurer shall issue the individual making**
18 **the contribution a receipt verifying the contribution that may be used**
19 **to apply for the breast cancer awareness license plate. If the**
20 **contribution is made directly to the director of revenue, the director**
21 **shall note the contribution and the owner may then apply for the breast**
22 **cancer awareness plate. The applicant for such plate must pay a fifteen**
23 **dollar fee in addition to the regular registration fees and present any**
24 **other documentation required by law for each set of breast cancer**
25 **awareness plates issued pursuant to this section. The state treasurer**
26 **or the director of revenue shall deposit the twenty-five dollar annual**
27 **contribution in the Missouri public health services fund. Funds in such**
28 **account shall be used to support breast cancer awareness activities**
29 **conducted by the department of health and senior services.**

30 2. [Upon annual application and payment of a twenty-five dollar
31 emblem-use contribution to the Friends of the Missouri Women's Council, the
32 organization shall issue to the vehicle owner, without further charge, an
33 emblem-use authorization statement, which shall be presented by the owner to
34 the department of revenue at the time of registration of a motor vehicle.] Upon
35 presentation of the annual statement **or a twenty-five dollar annual**
36 **contribution, as applicable, and** payment of a fifteen dollar fee in addition to
37 the registration fee and documents which may be required by law, the department
38 of revenue shall issue to the vehicle owner a personalized license plate which
39 shall bear a graphic design depicting the breast cancer awareness pink ribbon
40 symbol [with] **and** the words "Breast Cancer Awareness" [forming an oval around
41 the symbol, and shall bear the words "MISSOURI WOMEN'S COUNCIL" in place

42 of the words "SHOW-ME STATE"] **at the bottom of the plate, in a manner**
43 **prescribed by the director of revenue.** Such license plates shall be made
44 with fully reflective material with a common color scheme and design **of the**
45 **standard license plate,** shall be clearly visible at night, **shall have a**
46 **reflective white background in the area of the plate configuration,** and
47 shall be aesthetically attractive, as prescribed by section
48 301.130. Notwithstanding the provisions of section 301.144, no additional fee
49 shall be charged for the personalization of license plates pursuant to this section.

50 3. A vehicle owner, who was previously issued a plate with a breast cancer
51 awareness emblem authorized by this section but who does not provide an
52 emblem-use authorization statement at a subsequent time of registration, shall
53 be issued a new plate which does not bear the emblem, as otherwise provided by
54 law. The director of revenue shall make necessary rules and regulations for the
55 administration of this section, and shall design all necessary forms required by
56 this section. No rule or portion of a rule promulgated pursuant to the authority
57 of this section shall become effective unless it has been promulgated pursuant to
58 the provisions of chapter 536.

301.3165. 1. Any vehicle owner may apply for special "I HAVE A
2 **DREAM" motor vehicle license plates as prescribed by this section, for**
3 **any vehicle such person owns, either solely or jointly, other than an**
4 **apportioned motor vehicle or a commercial motor vehicle licensed in**
5 **excess of eighteen thousand pounds gross weight, after making an**
6 **annual contribution of twenty-five dollars to the Martin Luther King Jr.**
7 **state celebration commission fund. If the contribution is made directly**
8 **to the Martin Luther King Jr. state celebration commission, the**
9 **commission shall issue the individual making a contribution a receipt,**
10 **verifying the contribution, that may be used to apply for the "I HAVE**
11 **A DREAM" license plate described in this section. If the contribution**
12 **is made directly to the director of revenue, the director shall note the**
13 **contribution and the owner may then apply for the "I HAVE A DREAM"**
14 **license plate. All contributions shall be credited to the Martin Luther**
15 **King Jr. state celebration commission fund as established in subsection**
16 **4 of this section and shall be used for the sole purpose of funding**
17 **appropriate activities for the recognition and celebration of Martin**
18 **Luther King Jr. Day in Missouri.**

19 2. Upon payment of a twenty-five dollar contribution to the

20 **Martin Luther King Jr. state celebration commission fund as described**
21 **in subsection 1 of this section, the payment of a fifteen dollar fee in**
22 **addition to regular registration fees, and the presentment of other**
23 **documents which may be required by law, the director shall issue to**
24 **the vehicle owner a specialty personalized license plate which shall**
25 **bear the emblem of the Martin Luther King Jr. state celebration**
26 **commission and the words "I HAVE A DREAM" at the bottom of the**
27 **plate in a manner prescribed by the director of revenue. Such license**
28 **plates shall be made with fully reflective material with a common color**
29 **scheme and design of the standard license plate, shall be clearly visible**
30 **at night, shall have a reflective white background in the area of the**
31 **plate configuration, and shall be aesthetically attractive, as prescribed**
32 **by section 301.130.**

33 **3. A vehicle owner who was previously issued a plate with words**
34 **"I HAVE A DREAM" as authorized by this section but who does not**
35 **present proof of payment of an annual twenty-five dollar contribution**
36 **to the Martin Luther King Jr. state celebration commission fund at a**
37 **subsequent time of registration shall be issued a new plate which does**
38 **not bear the words "I HAVE A DREAM", as otherwise provided by law.**

39 **4. There is established in the state treasury the "Martin Luther**
40 **King Jr. State Celebration Commission Fund". The state treasurer shall**
41 **credit to and deposit in the fund all amounts received pursuant to this**
42 **section, and any other amounts which may be received from grants,**
43 **gifts, bequests, the federal government, or other sources granted or**
44 **given for purposes of this section. The state treasurer shall be**
45 **custodian of the fund. The fund shall be a dedicated fund and, upon**
46 **appropriation, moneys in the fund shall be used solely for the sole**
47 **purpose of funding appropriate activities for the recognition and**
48 **celebration of Martin Luther King Jr. Day in**
49 **Missouri. Notwithstanding the provisions of section 33.080 to the**
50 **contrary, any moneys remaining in the fund at the end of the biennium**
51 **shall not revert to the credit of the general revenue fund. The state**
52 **treasurer shall invest moneys in the fund in the same manner as other**
53 **funds are invested. Any interest and moneys earned on such**
54 **investments shall be credited to the fund.**

55 **5. The director shall consult with the Martin Luther King Jr.**

56 state celebration commission and the office of administration when
57 formulating the design for the special license plate described in this
58 section. The director of revenue shall make necessary rules and
59 regulations for the enforcement of this section, and shall design all
60 necessary forms required by this section. Any rule or portion of a rule,
61 as that term is defined in section 536.010 that is created under the
62 authority delegated in this section shall become effective only if it
63 complies with and is subject to all of the provisions of chapter 536, and,
64 if applicable, section 536.028. This section and chapter 536 are
65 nonseverable and if any of the powers vested with the general assembly
66 pursuant to chapter 536, to review, to delay the effective date, or to
67 disapprove and annul a rule are subsequently held unconstitutional,
68 then the grant of rulemaking authority and any rule proposed or
69 adopted after August 28, 2012, shall be invalid and void.

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Bill

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