

Highway Patrol Provides Summary Of New Laws Effective August 28, 2013 **News**

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The Missouri General Assembly recently enacted new legislation affecting vehicle operation, emergency workers, sexual offenses, child abuse and neglect, and firearms.

The largest changes happen within House Bill 75, which is related to firearms.



Governor Jay Nixon has signed the legislation into law. Some of the laws contained an emergency clause, which went into effect upon the signing; others will go into effect August 28, 2013.

The Patrol wishes to make the public aware of several of these new laws or changes to increase public awareness and education. To read a bill in its entirety, click on the bill's number and a link will take you to the legislation.

[House Bill 103](#)

ACTIVE EMERGENCY ZONE

The bill increases the penalty for a moving violation or traffic offense occurring within an active emergency zone. An "active emergency zone" is an area that is visibly marked by emergency responders on or around a highway where an active emergency or incident removal is temporarily occurring.

First moving violation or traffic offense within an active emergency zone must be assessed a fine of \$35 in addition to any other fine authorized by law. A second or subsequent offense within an active emergency zone must be assessed a fine of \$75 in addition to any other fine. The bill makes it a Class C misdemeanor to pass another vehicle in an active emergency zone, and a person who pleads guilty to or is convicted of a speeding or passing violation must be assessed a fine of \$250 for a first offense and \$300 for any subsequent offense in addition to any other fine authorized by law. The bill creates the offense of endangerment of an emergency responder.

A person commits the offense if, while in an active emergency zone with emergency responders present, the person:

- (1) Exceeds the posted speed limit by 15 mph or more;
- (2) Passes another vehicle;
- (3) Fails to stop for a flagman, an emergency responder, or traffic control signal in the active emergency zone;
- (4) Drives through or around an active emergency zone via any lane that is not for motorists;
- (5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument; or
- (6) Intentionally strikes or moves a barrel, barrier, sign, or other device for a reason other than to avoid an obstacle, emergency, or to protect the health and safety of another person.

When injury or death does not result, a person who pleads guilty to, or is convicted of, endangering an emergency responder is subject to a fine of up to \$1,000 and assessed four points to his or her

license.

If the death or injury of an emergency responder results, the person commits aggravated endangerment of an emergency responder and is subject to a fine of up to \$5,000 if a responder is injured, and \$10,000 if death resulted and 12 points will be assessed to his or her license.

USE OF ATVs IN MUNICIPALITIES (Sections 304.013 and 304.032 RSMo.)

The bill allows a municipality to adopt an ordinance or resolution that allows all-terrain vehicles or utility vehicles to operate on the streets and highways under its jurisdiction. The person operating an all-terrain or utility vehicle must maintain proof of financial responsibility or maintain any other insurance policy providing equivalent liability coverage for an all-terrain vehicle.

PERMISSIVE YELLOW-LIGHT INTERVALS (Section 304.120 RSMo.)

An ordinance must not 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. This provision supercedes any local law, ordinance, order, rule, or regulation enacted by a county, municipality, or other political subdivision that is to the contrary.

TRANSPORTATION OF AGRICULTURAL COMMODITIES (Section 307.400 RSMo.)

Currently, the federal regulations relating to hours of service do not apply to Missouri drivers transporting agricultural commodities or farm supplies if certain conditions are met. The bill repeals the provision.

Currently, certain federal regulations regarding the equipment and operation of motor vehicles do not apply to commercial motor vehicles that transport property in intrastate commerce if the vehicles have a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less. The exception must not apply to covered farm vehicles that require a placard for hazardous materials under federal law.

CATALYTIC CONVERTERS (Section 407.300 RSMo.)

Currently, scrap dealers must keep documentation for any transaction involving certain metals. The bill adds catalytic converters to the types of metal requiring documentation. Records for transactions involving catalytic converters must be kept regardless of the dollar value of the scrap.

SEXUAL OFFENSES (Sections 160.261 - 217.010, 217.703, 339.100, 556.036 - 556.061, 558.018, 558.026, 559.115, 559.117, 566.020 - 566.226, 589.015, 590.700, and 632.480 RSMo.)

The bill changes the laws regarding certain sexual offenses. In its main provisions, the bill:

- (1) Renames the crime of forcible rape to rape in the first degree and specifies that a person commits the crime if he or she has sexual intercourse with an individual who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion;
- (2) Renames the crime of forcible sodomy to sodomy in the first degree and specifies that a person commits the offense 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;
- (3) Renames the crime of sexual assault to rape in the second degree;
- (4) Renames the crime of deviate sexual assault to sodomy in the second degree;
- (5) Renames the crime of sexual abuse to sexual abuse in the first degree and specifies that a person commits the offense 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;

(6) Renames the crime of "sexual misconduct in the second degree" to "sexual misconduct in the first degree";

(7) Renames the crime of "sexual misconduct in the third degree" to "sexual misconduct in the second degree";

[House Bill 322](#)

MOTOR VEHICLE INSURANCE POLICIES

This bill allows the insurance identification card that contains proof of insurance information for a motor vehicle to be produced in a paper or an electronic format. Acceptable electronic forms include the display of electronic images on a cellular phone or any other type of portable electronic device. Police officers, commercial vehicle enforcement officers, and commercial vehicle inspectors are immune from liability for any damage to a mobile electronic device when it is presented as proof of financial responsibility, except for damages willfully or maliciously caused by the officer or inspector.

The bill specifies that the apportionment plan for providing service to applicants for insurance under Section 303.200 RSMo. applies to personal automobile and commercial motor vehicle liability policies. The types of personal automobiles are specified in the bill. The bill requires a vote of a governing body of a plan to excuse the plan from servicing applicants during the next calendar year if personal automobile risks exceed \$10 million and the insurance company has more than 5% of the automobile risks in Missouri.

The bill also allows motor vehicle insurance policies and endorsements to be mailed, issued, delivered, or posted on an insurer's Web site if it does not contain personally identifiable information. If a policy and endorsement is posted to a Web site, it must be easily accessible for as long as the policy is in force, retained and stored for five years after it is no longer in force and made available upon request, and printable and able to be saved in an electronic format. The insurer must notify the insured at the time of issuance and renewal of the method the insured may use to obtain a paper or electronic copy of his or her policy or endorsements, any changes to the forms or endorsements, and the insured's right to obtain a paper or electronic copy of the forms or endorsements without charge.

[House Bill 349](#)

PROPERTY-CARRYING COMMERCIAL MOTOR VEHICLE LICENSE PLATES

Currently, a property-carrying commercial motor vehicle registered at a gross weight of more than 12,000 pounds is only issued one license plate. This bill allows an applicant for registration of this type of vehicle to request and be issued two plates. If two plates are issued, the director of the Department of Revenue must place distinguishing marks on the plates indicating one is for the front and one is for the rear of the vehicle. The department director may assess and collect an additional charge not to exceed \$15 for the second plate.

[House Bill 505](#)

CHILD ABUSE AND NEGLECT

This bill changes the laws regarding child abuse and neglect. In its main provisions, the bill addresses reporting of suspected child abuse or neglect [(1) through (6)] and:

(7) Specifies that the offense of abuse or neglect of a child is a Class A felony if the child dies as a result of injuries sustained from chargeable conduct (Section 556.061 and 568.060 RSMo.)

(8) Requires the Department of Public Safety to establish rules regarding the reimbursement of the costs of forensic examinations for children younger than 14 years of age, including establishing conditions and definitions for emergency and non-emergency forensic exams, and may by rule establish additional qualifications for appropriate medical providers performing non-emergency forensic exams. The department must provide reimbursement regardless of whether or not the findings indicate that the child was abused (Section 595.220.7 RSMo.); and

(9) Allows the Department of Public Safety to establish additional qualifications for any appropriate medical provider performing any non-emergency forensic evaluation of a child younger than 14 years of age (Section 595.220.8 RSMo.).

[House Bill 715](#)

MOTORCYCLE BRAKE LIGHTS

This bill allows a motorcycle to be equipped with a brake light that can vary the brightness of the vehicle's brake light for up to five seconds upon applying its brakes.

[House Bill 75](#)

FIREARMS

Every sheriff must maintain, house, and issue concealed carry permits beginning January 1, 2014. (Section 57.100 RSMo.)

ASIRT: This act establishes the Active Shooter and Intruder Response Training for Schools Program (ASIRT). By July 1, 2014, each school district and charter school may train teachers and school employees on how to respond to students with information about a threatening situation and how to address a potentially dangerous or armed intruder or active shooter in the school or on school property. Training may be conducted on an annual basis. (Section 170.315 RSMo.)

EDDIE EAGLE GUNSAFE PROGRAM: Each school district and charter school may annually teach the Eddie Eagle Gunsafe Program to first grade students, or use a substantially similar or successor program of the same qualifications. Students with disabilities will participate to the extent appropriate. (Section 171.410 RSMo.)

FIREARMS OWNERSHIP RECORDS: Any records of ownership of a firearm or applications for ownership or an endorsement that allows a person to own, acquire, possess, or carry a firearm are not open records and will not be open for inspection except by order of the court to persons having a legitimate interest. Any person who violates this provision is guilty of a Class A misdemeanor. (Section 571.011 RSMo.)

CONCEALED CARRY PERMITS: Under current law, a person seeking to carry concealed firearms must apply to the sheriff for a certificate of qualification for a concealed carry endorsement. Upon the issuance of the certificate, the person must then present the certificate to the Department of Revenue, which issues a driver's license or nondriver's license with a concealed carry endorsement. This act repeals the provisions requiring the person to present the certificate to the Department of Revenue for a driver's license or nondriver's license with a concealed carry endorsement. Instead, the permit issued by the sheriff authorizes the person to carry concealed firearms. (Section 571.101 RSMo.)

Concealed carry permits will be valid for five years from the date of issuance or renewal. A concealed carry endorsement issued prior to August 28, 2013, must continue for a period of three years from the date of issuance or renewal, as described in the act. (Section 571.101 RSMo.)

This act changes the eligibility requirements for a concealed carry permit. Non-citizens who are United States permanent residents are eligible. Currently, an applicant must not have pled guilty or pled no contest to certain crimes punishable by a prison term of one year or less. This act increases the prison term to two years. This act adds closed records to the documents in which a person cannot have engaged in a pattern of behavior considered dangerous to obtain a concealed carry permit. Applicants must also not otherwise be prohibited from possessing a firearm under Section 571.070 RSMo. or 18 U.S.C. 922(g). If an applicant is not a U.S. citizen, the application must include his or her country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement. An applicant must show a government-issued photo identification only for the purpose of verifying the person's identify for permit renewal.

The concealed carry permit must specify only the following information: the permit holder's name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature; the signature of the issuing sheriff; the date of issuance; and the expiration date.

The permit must be no larger than two inches wide by three and one-fourth inches and must be of a uniform style. The permit must be assigned a Missouri Uniform Law Enforcement System county code and must be stored in sequential number. (Section 571.101 RSMo.)

Biometric data is prohibited from being collected from the applicant. The sheriff must perform an inquiry of the National Instant Criminal Background Check System. If no disqualifying information is identified, the sheriff must issue the permit. However, if the required background checks are not completed within 48 hours and no disqualifying information has come to the sheriff's attention, the sheriff must issue a permit. The permit will be valid until the sheriff issues or denies the certificate of qualification. If the background checks identify a disqualifying record, the sheriff must revoke the permit. (Section 571.101 RSMo.)

Sheriffs must keep a record of all applications for concealed carry permits. Any record of an application that is incomplete or denied must be kept for a period not to exceed one year. Records of approved applications must be kept for one year after the expiration and non-renewal of the permit. Beginning August 28, 2013, the Department of Revenue must not keep any records of applications for concealed carry permits. Any information collected by the Department of Revenue related to an application for a concealed carry endorsement prior to August 28, 2013, must be given to MoSMART and the sheriff of the county in which the applicant resides. (Section 571.101 RSMo.)

Certain personal protected information is required to not be batch processed for query and is only available for a single entry query if an individual is a subject of interest in an active criminal investigation or is arrested for a crime. In addition, the distribution of bulk downloads or batch data to federal, state, or private entities is prohibited, except to MoSMART as provided in the act. Any state agency that has retained any documents or records, including fingerprint records provided for a concealed carry endorsement prior to August 28, 2013, must destroy them upon successful issuance of a permit. (Section 571.101 RSMo.)

For purposes of Chapter 571, the term "concealed carry permit" will 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. (Section 571.101 RSMo.)

If a permit holder is convicted, as described in the act, the court must forward the permit to the issuing sheriff. (Section 571.104 RSMo.)

To renew a concealed carry permit, a renewal application must be completed. In lieu of the fingerprint requirements and firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based background check, including an inquiry of the National Instant Criminal Background Check System, must be done for each renewal. The process for

renewing a concealed carry endorsement issued prior to August 28, 2013, will be the same as for renewing a concealed carry permit except that the applicant need only display his or her current driver's license or nondriver's license containing an endorsement in lieu of the fingerprint and firearms safety training requirement. (Section 571.104 RSMo.)

Late fees assessed for a renewal and notice of expired certificates to the Missouri Uniform Law Enforcement System and the individual are extended to concealed carry permits. Also, when a permit or endorsement holder's permanent address changes and he or she reports the address change to the sheriff, the sheriff of the new jurisdiction may charge a fee for processing not to exceed \$10. If the person has a concealed carry endorsement issued prior to August 28, 2013, he or she must also furnish proof to the Department of Revenue. The sheriff must report the residence change to the Missouri Uniform Law Enforcement System. A \$10 fee may be charged for the replacement of a lost or destroyed permit or a driver's license or nondriver's license containing a concealed carry endorsement. A sheriff may charge a fee not to exceed \$10 for name changes. The sheriff must report the name change to the Missouri Uniform Law Enforcement System. (Section 571.104 RSMo.)

This act repeals the requirement that a concealed carry endorsement suspension be reinstated at the time of the individual's driver's license. (Section 571.107 RSMo.)

FIREARMS SAFETY INSTRUCTION: This act reduces, from 50 to 20, the number of minimum rounds of live firing an applicant must do to receive a certificate of firearms safety training course completion by a qualified firearms safety instructor.

Certificates from a firearms safety instructor course approved by the Department of Public Safety must be notarized.

This act allows a qualified firearms safety instructor to submit a copy of a training instructor certificate, course outline bearing a notarized signature of the instructor, and recent photograph to the sheriff of the county in which he or she resides. The sheriff must collect an annual \$10 fee from an instructor who chooses to submit the information and must retain a database of qualified instructors. This information will be a closed record except for access by any sheriff.

Any firearms safety instructor who violates any provision of Section 571.111 RSMo. will be prohibited from instructing concealed carry permit classes and issuing certificates. (Section 571.111 RSMo.)

OTHER CONCEALED CARRY CHANGES: The forms used to petition a court to revoke an individual's concealed carry permit or endorsement will be updated to incorporate changes in the law, including: the previously mentioned allowable increase in prison term from one year to two years' imprisonment; the effect of the issuance of a provisional certificate of qualification; and disqualification based on 18 U.S.C. 922(g). (Section 571.114 RSMo.)

The term "concealed carry endorsement" is replaced, or supplemented with, the phrase "concealed carry permit" throughout to reflect the change from the issuance of a concealed carry endorsement to a concealed carry permit. The terms "provisional certificate of qualification" and "certificate of qualification" are changed to "permit." In addition, "permanent resident" is added in conjunction with "United States citizen" or "U.S. citizen." (Sections 50.535, 302.181, 571.030, 571.037, 571.107, 571.114, 571.121 RSMo.)

PROHIBITION ON SHARING RECORDS OR DEVELOPING DATABASES WITH THE FEDERAL GOVERNMENT: This prohibits state agencies, departments, contractors, and agents working for the state from constructing, enabling, maintaining, participating in, developing, or cooperating with 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.

MoSMART: Any information collected by the Department of Revenue related to a concealed carry endorsement must be given to the members of MoSMART. In addition, on August 28, 2013, the Department of Revenue must begin transferring any records related to the issuance of a concealed permit to MoSMART for dissemination to sheriffs. (Sections 571.101 & 650.350 RSMo.)

This act creates the "Concealed Carry Permit Fund" within the state treasury. The director of the Department of Public Safety must distribute all funds annually in the form of grants approved by MoSMART. The department must administer all MoSMART grant deposits. Grant funds must be spent first to ensure county law enforcement agencies' ability to comply with the issuance of conceal carry endorsements, including but not limited to, equipment, records management hardware and software, personnel, supplies, and other services. (Section 650.350 RSMo.)

[Senate Bill 282](#)

ENDANGERMENT OF EMERGENCY WORKERS (Same provisions as HB 103)

REMOVAL OF CERTAIN DRIVER'S LICENSE SUSPENSIONS: Under current Missouri law, a person's driver's license may be suspended for failing to timely dispose of traffic tickets. The suspension will be removed if the person pays the traffic ticket fine, court costs, and a reinstatement fee. The removal of the suspension from the individual's driving record will only occur if the individual was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense. This act deletes the provision that requires the director to return the person's license and remove the suspension from the individual's driving record (Section 302.341 RSMo.).

MOTORCYCLE BRAKE LIGHTS (Same provision as HB 715 and SB 73)

EMERGENCY MEDICAL TECHNICIANS: This act adds emergency medical technicians to the list of health care professionals who may report incompetent or unqualified drivers to the Department of Revenue (Section 302.291 RSMo.) (HA 3).