

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 12**  
98TH GENERAL ASSEMBLY

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Reported from the Committee on Agriculture, Food Production and Outdoor Resources, January 22, 2015, with recommendation that the Senate Committee Substitute do pass.

0110S.05C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 275.352, 277.040, 281.065, 304.180, 442.571, and 537.325, RSMo, and to enact in lieu thereof thirteen new sections relating to agriculture.

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

Section A. Sections 275.352, 277.040, 281.065, 304.180, 442.571, and  
2 537.325, RSMo, are repealed and thirteen new sections enacted in lieu thereof,  
3 to be known as sections 261.270, 261.275, 261.280, 261.285, 261.290, 261.295,  
4 275.352, 277.040, 281.065, 304.180, 414.300, 442.571, and 537.325, to read as  
5 follows:

**261.270.** The provisions of sections 261.270 to 261.295 shall be  
2 known and may be cited as the "Missouri Dairy Revitalization Act of  
3 2015".

**261.275.** 1. There is hereby created in the state treasury the  
2 "Missouri Dairy Industry Revitalization Fund", which shall consist of  
3 moneys appropriated to the fund. The state treasurer shall be  
4 custodian of the fund. In accordance with sections 30.170 and 30.180,  
5 the state treasurer may approve disbursements of the fund. Upon  
6 appropriation by the general assembly, moneys in the fund shall be  
7 used solely to enhance and improve Missouri's dairy and dairy  
8 processing industries in the manner provided for in sections 261.270 to  
9 261.295. Notwithstanding the provisions of section 33.080 to the  
10 contrary, any moneys remaining in the fund at the end of the biennium  
11 shall not revert to the credit of the general revenue fund. The state  
12 treasurer shall invest moneys in the fund in the same manner as other  
13 funds are invested. Any interest and moneys earned on such

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

14 investments shall be credited to the fund.

15           **2. Moneys appropriated from the general revenue fund to the**  
16 **Missouri dairy industry revitalization fund shall not exceed forty**  
17 **percent of the estimated sales tax revenue generated in the state from**  
18 **the sale of dairy products during the preceding fiscal year, calculated**  
19 **under subsection 3 of this section, and shall be expended in the**  
20 **following order of priority:**

21           **(1) First, to the dairy producer margin insurance premium**  
22 **assistance program created under section 261.280;**

23           **(2) Second, to the Missouri dairy scholars program created under**  
24 **section 261.285; and**

25           **(3) Third, to the commercial agriculture program created under**  
26 **section 261.290.**

27           **3. Each fiscal year the University of Missouri shall conduct**  
28 **research, or contract with an independent research company to**  
29 **conduct research, to determine the estimated sales tax revenue**  
30 **generated in the state from the sale of dairy products. The cost for**  
31 **such calculation shall be paid out of the Missouri dairy industry**  
32 **revitalization fund. The estimated sales tax revenue generated in the**  
33 **state from the sale of dairy products shall be provided to the**  
34 **department of agriculture by October first of each year.**

**261.280. 1. The department of agriculture shall establish and**  
2 **administer, through the Missouri agricultural and small business**  
3 **development authority, a dairy producer margin insurance premium**  
4 **assistance program for the purpose of assisting dairy producers who**  
5 **participate in the federal margin protection program for dairy**  
6 **producers as contained in the federal Agricultural Act of 2014.**

7           **2. All dairy producers in the state who participate in the federal**  
8 **margin protection program for dairy producers shall be eligible to**  
9 **apply and participate in the dairy producer margin insurance premium**  
10 **assistance program. Dairy producers who wish to be considered for the**  
11 **program shall apply with the Missouri agricultural and small business**  
12 **development authority by January first of each year, and shall provide**  
13 **proof of participation in the federal margin protection program for**  
14 **dairy producers as contained in the federal Agricultural Act of 2014 by**  
15 **submitting a receipt of their paid annual federal premium**  
16 **payment. Eligible program participants shall receive reimbursement**

17 of seventy percent of their federal premium payment up to a maximum  
18 premium reimbursement rate of thirty-four cents per hundredweight  
19 of milk.

20 3. The University of Missouri and the Missouri agricultural and  
21 small business development authority shall provide risk management  
22 training for Missouri dairy producers on an annual basis.

261.285. 1. There is hereby established the "Missouri Dairy  
2 Scholars Program", which shall be administered by the department of  
3 agriculture. The program shall, upon appropriation, provide  
4 scholarships, subject to the eligibility criteria enumerated in this  
5 section, for eligible students in an agriculture-related degree program  
6 who make a commitment to work in the agriculture industry in  
7 Missouri as a condition of receiving such scholarship.

8 2. Subject to appropriation, each year the department of  
9 agriculture shall make available to eligible students up to eighty  
10 scholarships in the amount of five thousand dollars each to assist with  
11 the cost of eligible students' tuition and fees at a two-year or four-year  
12 college or university in Missouri. Such amount shall be paid out of the  
13 Missouri dairy industry revitalization fund created in section 261.275.

14 3. As used in this section, the term "eligible student" shall mean  
15 an individual who:

16 (1) Is a United States citizen and a Missouri resident who has  
17 graduated from a Missouri high school with a cumulative grade point  
18 average of at least two and one-half on a four-point scale or equivalent;

19 (2) Is pursuing or has attained an agriculture-related degree  
20 approved by the department of agriculture and offered by a two-year  
21 or four-year college or university in Missouri;

22 (3) Signs an agreement with the department of agriculture in  
23 which the recipient agrees to work in the agriculture industry in  
24 Missouri for at least two years for every one year the recipient received  
25 the Missouri dairy scholars scholarship;

26 (4) Maintains a cumulative grade point average of at least two  
27 and one-half on a four-point scale or equivalent while enrolled in the  
28 college or university program; and

29 (5) Works on a dairy farm or has a dairy-related internship for  
30 at least three months of each year the recipient receives the Missouri  
31 dairy scholars scholarship.

**261.290. The University of Missouri's commercial agriculture program shall conduct an annual study of the dairy industry and shall develop a dairy-specific plan for how to grow and enhance the dairy and dairy processing industries in Missouri. The results of such study shall be reported to the department of agriculture and all agriculture-related legislative committee chairpersons by January first of each year. The costs for such study shall be subject to appropriations and shall be paid out of the Missouri dairy industry revitalization fund created under section 261.275.**

**261.295. The department of agriculture shall promulgate rules and regulations for the implementation of sections 261.270 to 261.295. 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 and section 348.273 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, 2015, shall be invalid and void.**

**275.352. 1. If a national referendum among beef producers passes and a federal assessment on beef producers is adopted pursuant to federal law, no state fees shall be collected under the provisions of this chapter, in excess of a commensurate amount credited against the obligation to pay any such federal assessment. Upon adoption of the federal assessment, beef shall be exempt from the refund provision of section 275.360.**

**2. Notwithstanding the provisions of subsection 1 of this section to the contrary, a beef commodity council may only collect state fees if a referendum is approved on or after August 28, 2015, in the manner provided under the provisions of subsections 3 to 12 of this section.**

**3. A beef commodity council established pursuant to the provisions of this chapter may submit to the director a petition approved by a two-thirds vote of the council or signed by twenty-five percent of Missouri beef producers to impose or modify a Missouri beef checkoff fee upon beef producers. Any petition submitted to establish or modify a Missouri beef checkoff fee, and the referendum to follow,**

17 shall specify the amount and manner of collection of the fee to be  
18 assessed. In no case shall the Missouri beef checkoff fee exceed the  
19 amount of the federal assessment on beef. Upon receipt of such  
20 petition the director:

- 21 (1) Determine the legal sufficiency of the petition;
- 22 (2) Establish a list of beef producers or make any such existing  
23 list current;
- 24 (3) Hold a public hearing or hearings on the proposed program;
- 25 (4) Publish a notice to beef producers advising them:
  - 26 (a) That a petition has been filed with the director;
  - 27 (b) The time and place or places of the public hearing or  
28 hearings; and
  - 29 (c) That to be eligible to vote in the referendum the producer  
30 shall register. The director shall give notice in publications devoted to  
31 agriculture which have a total statewide circulation of not less than  
32 two hundred twenty-five thousand, at least one month prior to the  
33 hearing. The fees for the publication of notice shall be advanced in  
34 cash to the director by the beef commodity council and no publication  
35 of notice shall be paid for by state funds;
- 36 (5) Provide forms to enable producers to register, which forms  
37 shall include the producer's name, mailing address, and the yearly  
38 average quantity of beef cattle sold by him or her in the three years  
39 preceding the date of the notice, or in such lesser period as a producer  
40 has sold beef cattle;
- 41 (6) Approve the petition, in whole or as revised, or disapprove  
42 the petition depending upon the determinations made after public  
43 hearing;
- 44 (7) After approval of a petition, hold a referendum among the  
45 beef producers to determine whether or not the Missouri beef checkoff  
46 fee shall be imposed.

47 4. The director shall determine the sufficiency of the petition  
48 within twenty-one days after it is submitted to him or her and shall  
49 publish notice of the public hearing and registration requirements  
50 giving at least ten days' notice prior to public hearing and thirty days'  
51 notice to register prior to the referendum.

52 5. If a majority of the votes cast are in favor of adoption, and if  
53 those producers voting in favor of adoption represent a majority of the

54 production of all registered producers casting votes, the petition is  
55 adopted.

56 6. If the required percentage by number and by production of  
57 those voting is in favor of the adoption of the proposal in the petition,  
58 the director shall declare the proposal to be adopted.

59 7. A proposal to change the amount of the fee to be collected or  
60 to make other changes may be made by a two-thirds vote of the council  
61 or by petition of twenty-five percent of the commodity producers. The  
62 proposal shall then be submitted to referendum under which the same  
63 percentages by number and production shall be required for approval  
64 as were required for establishment of the original merchandising  
65 program. However, the council, by two-thirds vote, may lower the  
66 amount of the fee to be collected, or may thereafter increase the  
67 amount of the fee to not more than the rate originally approved without  
68 a referendum vote. Such increase or decrease of fees shall not become  
69 effective except at the beginning of the next state fiscal year.

70 8. A proposal to terminate the Missouri beef checkoff fee may be  
71 made by a majority of the council or by petition of ten percent of the  
72 registered beef producers. The proposed termination shall be  
73 submitted to referendum under which a simple majority of those voting  
74 shall be required for termination.

75 9. No referendum to change the amount of fee, or to make other  
76 major changes may be held within twelve months of a referendum  
77 conducted for a similar purpose.

78 10. Fees collected pursuant to this section shall be collected in  
79 the same manner as that used to collect the federal assessment on  
80 beef. The department shall keep and account for the state and federal  
81 assessments separately. State fees collected pursuant to this section  
82 shall be subject to the refund provision provided under section 275.360.

83 11. Notwithstanding the provisions of section 275.350 to the  
84 contrary, fees imposed under this section shall be collected and  
85 remitted to the Missouri Beef Industry Council, which shall deposit  
86 such fees in a separate account from all other funds. Funds derived  
87 from the fees established under this section shall only be used to  
88 research, market, educate, and promote beef products and production.

89 12. The department may adopt such rules, statements of policy,  
90 procedures, forms, and guidelines as may be necessary to carry out the

91 **provisions of this section. Any rule or portion of a rule, as that term is**  
92 **defined in section 536.010 that is created under the authority delegated**  
93 **in this section shall become effective only if it complies with and is**  
94 **subject to all of the provisions of chapter 536, and, if applicable, section**  
95 **536.028. This section and chapter 536 are nonseverable and if any of**  
96 **the powers vested with the general assembly pursuant to chapter 536,**  
97 **to review, to delay the effective date, or to disapprove and annul a rule**  
98 **are subsequently held unconstitutional, then the grant of rulemaking**  
99 **authority and any rule proposed or adopted after August 28, 2015, shall**  
100 **be invalid and void.**

277.040. 1. Any person engaged in establishing or operating a livestock  
2 sale or market for the purpose aforesaid shall file with the state veterinarian of  
3 the state department of agriculture an application for a license to transact such  
4 business under the provisions of this chapter. The application shall state the  
5 nature of the business and the city, township and county, and the complete post  
6 office address at which the business is to be conducted, together with any  
7 additional information that the state veterinarian requires, and a separate license  
8 shall be secured for each place where a sale is to be conducted such as is defined  
9 and required to be licensed under the provisions of this chapter.

10 2. The state veterinarian shall then issue to the applicant a license upon  
11 payment of an annual license fee to be fixed by rule or regulation entitling the  
12 applicant to conduct a livestock sale or market for the period of the license year  
13 or for any unexpired portion thereof, unless the license is revoked as herein  
14 provided.

15 3. All license fees collected under this chapter **shall not yield revenue**  
16 **greater than the total cost of administering this chapter during the**  
17 **ensuing year. All license fees collected** shall be made payable to the order  
18 of the state treasurer and deposited with him to the credit of the "Livestock Sales  
19 and Markets Fees Fund" hereby created, subject to appropriation by the general  
20 assembly, to inure to the use and benefit of the animal health division of the  
21 department of agriculture.

22 4. No business entity, whether a proprietorship, partnership or  
23 corporation shall be issued a livestock market license if any such proprietor,  
24 partner or, if a corporation, any officer or major shareholder thereof, participated  
25 in the violation of any provision of this chapter within the preceding five years,  
26 which resulted in the revocation of a livestock market license.

281.065. 1. The director shall not issue a certified commercial applicator's  
2 license until the applicant or the employer of the applicant has furnished  
3 evidence of financial responsibility with the director consisting either of a surety  
4 bond or a liability insurance policy or certification thereof, protecting persons who  
5 may suffer legal damages as a result of the operations of the applicant; except  
6 that, such surety bond or liability insurance policy need not apply to damages or  
7 injury to crops, plants or land being worked upon by the applicant. **Following**  
8 **the receipt of the initial license, the certified commercial applicator**  
9 **shall not be required to furnish evidence of financial responsibility to**  
10 **the department for the purpose of license renewal unless upon**  
11 **request. Annual renewals for surety bonds or liability insurance shall**  
12 **be maintained at the business location from which the certified**  
13 **commercial applicator is licensed. Valid surety bonds or liability**  
14 **insurance certificates shall be available for inspection by the director**  
15 **or his or her designee at a reasonable time during regular business**  
16 **hours or, upon a request in writing, the director shall be furnished a**  
17 **copy of the surety bond or liability insurance certificate within ten**  
18 **working days of receipt of the request.**

19 2. The amount of the surety bond or liability insurance required by this  
20 section shall be not less than [twenty-five] **fifty** thousand dollars [for property  
21 damage and bodily injury insurance, each separately and] for each  
22 occurrence. Such surety bond or liability insurance shall be maintained at not  
23 less than that sum at all times during the licensed period. The director shall be  
24 notified **by the surety or insurer** within twenty days prior to any  
25 **cancellation or** reduction [at the request of the bond- or policyholder or any  
26 cancellation of such] **of the** surety bond or liability insurance [by the surety or  
27 insurer, as long as the total and aggregate of the surety and insurer for all claims  
28 shall be limited to the face of the bond or liability insurance policy]. If the surety  
29 bond or liability insurance policy which provides the financial responsibility for  
30 the [applicant] **certified commercial applicator** is provided by the employer  
31 of the [applicant] **certified commercial applicator**, the employer of the  
32 [applicant] **certified commercial applicator** shall immediately notify the  
33 director upon the termination of the employment of the [applicant] **certified**  
34 **commercial applicator** or when a condition exists under which the [applicant]  
35 **certified commercial applicator** is no longer provided bond or insurance  
36 coverage by the employer. The [applicant] **certified commercial applicator**



37 shall then immediately execute a surety bond or an insurance policy to cover the  
38 financial responsibility requirements of this section and [shall furnish the  
39 director with evidence of financial responsibility as required by this section] **the**  
40 **certified commercial applicator or the applicator's employer shall**  
41 **maintain the surety bond or liability insurance certificate at the**  
42 **business location from which the certified commercial applicator is**  
43 **licensed.** The director may accept a liability insurance policy or surety bond in  
44 the proper sum which has a deductible clause in an amount not exceeding one  
45 thousand dollars; except that, if the bond- or policyholder has not satisfied the  
46 requirement of the deductible amount in any prior legal claim, such deductible  
47 clause shall not be accepted by the director unless the bond- or policyholder  
48 [furnishes the director with] **executes and maintains** a surety bond or liability  
49 insurance which shall satisfy the amount of the deductible as to all claims that  
50 may arise in his **or her** application of pesticides.

51 3. If the surety [furnished] becomes unsatisfactory, the bond- or  
52 policyholder shall[, upon notice,] immediately execute a new bond or insurance  
53 **policy and maintain the surety bond or liability insurance certificate at**  
54 **the business location from which the certified commercial applicator**  
55 **is licensed, and** if he **or she** fails to do so, the director shall cancel his **or her**  
56 license, or deny the license of an applicant, and give him **or her** notice of  
57 cancellation or denial, and it shall be unlawful thereafter for the applicant to  
58 engage in the business of using pesticides until the bond or insurance is brought  
59 into compliance with the requirements of subsection 1 of this section. If the bond-  
60 or policyholder does not execute a new bond or insurance policy within sixty days  
61 of expiration of such bond or policy, the licensee shall be required to satisfy all  
62 the requirements for licensure as if never before licensed.

63 4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any  
64 person from liability for any damage to the person or lands of another caused by  
65 the use of pesticides even though such use conforms to the rules and regulations  
66 of the director.

304.180. 1. No vehicle or combination of vehicles shall be moved or  
2 operated on any highway in this state having a greater weight than twenty  
3 thousand pounds on one axle, no combination of vehicles operated by transporters  
4 of general freight over regular routes as defined in section 390.020 shall be moved  
5 or operated on any highway of this state having a greater weight than the vehicle  
6 manufacturer's rating on a steering axle with the maximum weight not to exceed

7 twelve thousand pounds on a steering axle, and no vehicle shall be moved or  
 8 operated on any state highway of this state having a greater weight than  
 9 thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall  
 10 mean a group of two or more axles, arranged one behind another, the distance  
 11 between the extremes of which is more than forty inches and not more than  
 12 ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by  
 14 all wheels whose centers are included between two parallel transverse vertical  
 15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this  
 17 state through any one axle or on any tandem axle, the total gross weight with  
 18 load imposed by any group of two or more consecutive axles of any vehicle or  
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth  
 20 in the following table:

21	Distance in feet between the extremes		Maximum load in pounds			
22	of any group of two or more consecutive					
23	axles, measured to the nearest foot,					
24	except where indicated otherwise					
25	feet	2 axles	3 axles	4 axles	5 axles	6 axles
26	4	34,000				
27	5	34,000				
28	6	34,000				
29	7	34,000				
30	8	34,000	34,000			
31	More than 8	38,000	42,000			
32	9	39,000	42,500			
33	10	40,000	43,500			
34	11	40,000	44,000			
35	12	40,000	45,000	50,000		
36	13	40,000	45,500	50,500		
37	14	40,000	46,500	51,500		
38	15	40,000	47,000	52,000		
39	16	40,000	48,000	52,500	58,000	
40	17	40,000	48,500	53,500	58,500	

41	18	40,000	49,500	54,000	59,000	
42	19	40,000	50,000	54,500	60,000	
43	20	40,000	51,000	55,500	60,500	66,000
44	21	40,000	51,500	56,000	61,000	66,500
45	22	40,000	52,500	56,500	61,500	67,000
46	23	40,000	53,000	57,500	62,500	68,000
47	24	40,000	54,000	58,000	63,000	68,500
48	25	40,000	54,500	58,500	63,500	69,000
49	26	40,000	55,500	59,500	64,000	69,500
50	27	40,000	56,000	60,000	65,000	70,000
51	28	40,000	57,000	60,500	65,500	71,000
52	29	40,000	57,500	61,500	66,000	71,500
53	30	40,000	58,500	62,000	66,500	72,000
54	31	40,000	59,000	62,500	67,500	72,500
55	32	40,000	60,000	63,500	68,000	73,000
56	33	40,000	60,000	64,000	68,500	74,000
57	34	40,000	60,000	64,500	69,000	74,500
58	35	40,000	60,000	65,500	70,000	75,000
59	36		60,000	66,000	70,500	75,500
60	37		60,000	66,500	71,000	76,000
61	38		60,000	67,500	72,000	77,000
62	39		60,000	68,000	72,500	77,500
63	40		60,000	68,500	73,000	78,000
64	41		60,000	69,500	73,500	78,500
65	42		60,000	70,000	74,000	79,000
66	43		60,000	70,500	75,000	80,000
67	44		60,000	71,500	75,500	80,000
68	45		60,000	72,000	76,000	80,000
69	46		60,000	72,500	76,500	80,000
70	47		60,000	73,500	77,500	80,000
71	48		60,000	74,000	78,000	80,000
72	49		60,000	74,500	78,500	80,000

73	50	60,000	75,500	79,000	80,000
74	51	60,000	76,000	80,000	80,000
75	52	60,000	76,500	80,000	80,000
76	53	60,000	77,500	80,000	80,000
77	54	60,000	78,000	80,000	80,000
78	55	60,000	78,500	80,000	80,000
79	56	60,000	79,500	80,000	80,000
80	57	60,000	80,000	80,000	80,000

81 Notwithstanding the above table, two consecutive sets of tandem axles may carry  
 82 a gross load of thirty-four thousand pounds each if the overall distance between  
 83 the first and last axles of such consecutive sets of tandem axles is thirty-six feet  
 84 or more.

85           4. Whenever the state highways and transportation commission finds that  
 86 any state highway bridge in the state is in such a condition that use of such  
 87 bridge by vehicles of the weights specified in subsection 3 of this section will  
 88 endanger the bridge, or the users of the bridge, the commission may establish  
 89 maximum weight limits and speed limits for vehicles using such bridge. The  
 90 governing body of any city or county may grant authority by act or ordinance to  
 91 the state highways and transportation commission to enact the limitations  
 92 established in this section on those roadways within the purview of such city or  
 93 county. Notice of the weight limits and speed limits established by the  
 94 commission shall be given by posting signs at a conspicuous place at each end of  
 95 any such bridge.

96           5. Nothing in this section shall be construed as permitting lawful axle  
 97 loads, tandem axle loads or gross loads in excess of those permitted under the  
 98 provisions of Section 127 of Title 23 of the United States Code.

99           6. Notwithstanding the weight limitations contained in this section, any  
 100 vehicle or combination of vehicles operating on highways other than the interstate  
 101 highway system may exceed single axle, tandem axle and gross weight limitations  
 102 in an amount not to exceed two thousand pounds. However, total gross weight  
 103 shall not exceed eighty thousand pounds, except as provided in subsections 9 and  
 104 10 of this section.

105           7. Notwithstanding any provision of this section to the contrary, the  
 106 department of transportation shall issue a single-use special permit, or upon  
 107 request of the owner of the truck or equipment, shall issue an annual permit, for

108 the transporting of any concrete pump truck or well-drillers' equipment. The  
109 department of transportation shall set fees for the issuance of permits pursuant  
110 to this subsection. Notwithstanding the provisions of section 301.133, concrete  
111 pump trucks or well-drillers' equipment may be operated on state-maintained  
112 roads and highways at any time on any day.

113 8. Notwithstanding the provision of this section to the contrary, the  
114 maximum gross vehicle limit and axle weight limit for any vehicle or combination  
115 of vehicles equipped with an idle reduction technology may be increased by a  
116 quantity necessary to compensate for the additional weight of the idle reduction  
117 system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the  
118 additional weight increase allowed by this subsection be greater than five  
119 hundred fifty pounds. Upon request by an appropriate law enforcement officer,  
120 the vehicle operator shall provide proof that the idle reduction technology is fully  
121 functional at all times and that the gross weight increase is not used for any  
122 purpose other than for the use of idle reduction technology.

123 9. [Notwithstanding subsection 3 of this section or any other provision of  
124 law to the contrary, the total gross weight of any vehicle or combination of  
125 vehicles hauling livestock may be as much as, but shall not exceed, eighty-five  
126 thousand five hundred pounds while operating on U.S. Highway 36 from St.  
127 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state line to U.S.  
128 Highway 36, and on U.S. Highway 63 from the Iowa state line to U.S. Highway  
129 36, and on U.S. Highway 63 from U.S. Highway 36 to Missouri Route 17. The  
130 provisions of this subsection shall not apply to vehicles operated on the Dwight  
131 D. Eisenhower System of Interstate and Defense Highways.

132 10.] Notwithstanding any provision of this section or any other law to the  
133 contrary, the total gross weight of any vehicle or combination of vehicles hauling  
134 milk, from a farm to a processing facility **or livestock** may be as much as, but  
135 shall not exceed, eighty-five thousand five hundred pounds while operating on  
136 highways other than the interstate highway system. The provisions of this  
137 subsection shall not apply to vehicles operated and operating on the Dwight D.  
138 Eisenhower System of Interstate and Defense Highways.

139 **[11.] 10. Notwithstanding any provision of this section or any**  
140 **other law to the contrary, any vehicle or combination of vehicles**  
141 **hauling grain or grain co-products during times of harvest may be as**  
142 **much as, but not exceeding, ten percent over the maximum weight**  
143 **limitation allowable under subsection 3 of this section while operating**

144 **on highways other than the interstate highway system. The provisions**  
145 **of this subsection shall not apply to vehicles operated and operating on**  
146 **the Dwight D. Eisenhower System of Interstate and Defense Highways.**

147       **11.** Notwithstanding any provision of this section or any other law to the  
148 contrary, the department of transportation shall issue emergency utility response  
149 permits for the transporting of utility wires or cables, poles, and equipment  
150 needed for repair work immediately following a disaster where utility service has  
151 been disrupted. Under exigent circumstances, verbal approval of such operation  
152 may be made either by the motor carrier compliance supervisor or other  
153 designated motor carrier services representative. Utility vehicles and equipment  
154 used to assist utility companies granted special permits under this subsection  
155 may be operated and transported on state-maintained roads and highways at any  
156 time on any day. The department of transportation shall promulgate all  
157 necessary rules and regulations for the administration of this section. Any rule  
158 or portion of a rule, as that term is defined in section 536.010, that is created  
159 under the authority delegated in this section shall become effective only if it  
160 complies with and is subject to all of the provisions of chapter 536 and, if  
161 applicable, section 536.028. This section and chapter 536 are nonseverable and  
162 if any of the powers vested with the general assembly pursuant to chapter 536 to  
163 review, to delay the effective date, or to disapprove and annul a rule are  
164 subsequently held unconstitutional, then the grant of rulemaking authority and  
165 any rule proposed or adopted after August 28, 2014, shall be invalid and void.

**414.300. 1. No later than January 1, 2016, the department of**  
2 **agriculture shall propose a rule regarding renewable fuels and the**  
3 **labeling of motor fuel pumps.**

4       **2.** Any rule or portion of a rule, as that term is defined in section  
5 **536.010, that is created under the authority delegated in this section**  
6 **shall become effective only if it complies with and is subject to all of**  
7 **the provisions of chapter 536 and, if applicable, section 536.028. This**  
8 **section and chapter 536 are nonseverable, and if any of the powers**  
9 **vested with the general assembly under chapter 536 to review, to delay**  
10 **the effective date, or to disapprove and annul a rule are subsequently**  
11 **held unconstitutional, then the grant of rulemaking authority and any**  
12 **rule proposed or adopted after August 28, 2015, shall be invalid and**  
13 **void.**

**442.571. 1.** Except as provided in sections 442.586 and 442.591, no alien

2 or foreign business shall acquire by grant, purchase, devise, descent or otherwise  
3 agricultural land in this state if the total aggregate alien and foreign ownership  
4 of agricultural acreage in this state exceeds one percent of the total aggregate  
5 agricultural acreage in this state. [No such] A sale[,] or transfer[, or  
6 acquisition] of any agricultural land in this state shall [occur unless such sale,  
7 transfer, or acquisition is approved by] **be submitted to** the director of the  
8 department of agriculture **for review** in accordance with subsection 3 of this  
9 section **only if there is no completed Internal Revenue Service Form W-9**  
10 **signed by the purchaser.** No person may hold agricultural land as an agent,  
11 trustee, or other fiduciary for an alien or foreign business in violation of sections  
12 442.560 to 442.592, **provided, however, that no security interest in such**  
13 **agricultural land shall be divested or invalidated by such violation.**

14 2. Any alien or foreign business who acquires agricultural land in  
15 violation of sections 442.560 to 442.592 remains in violation of sections 442.560  
16 to 442.592 for as long as he or she holds an interest in the land, **provided,**  
17 **however, that no security interest in such agricultural land shall be**  
18 **divested or invalidated by such violation.**

19 3. [All] **Subject to the provisions of subsection 1 of this section,**  
20 such proposed acquisitions by grant, purchase, devise, descent, or otherwise of  
21 agricultural land in this state shall be submitted to the department of agriculture  
22 to determine whether such acquisition of agricultural land is conveyed in  
23 accordance with the one percent restriction on the total aggregate alien and  
24 foreign ownership of agricultural land in this state. The department shall  
25 establish by rule the requirements for submission and approval of requests under  
26 this subsection.

27 4. Any rule or portion of a rule, as that term is defined in section 536.010,  
28 that is created under the authority delegated in this section shall become effective  
29 only if it complies with and is subject to all of the provisions of chapter 536 and,  
30 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
31 if any of the powers vested with the general assembly pursuant to chapter 536 to  
32 review, to delay the effective date, or to disapprove and annul a rule are  
33 subsequently held unconstitutional, then the grant of rulemaking authority and  
34 any rule proposed or adopted after August 28, 2014, shall be invalid and void.

537.325. 1. As used in this section, unless the context otherwise requires,  
2 the following words and phrases shall mean:

3 (1) "Engages in an equine activity", riding, training, assisting in medical

4 treatment of, driving or being a passenger upon an equine, whether mounted or  
5 unmounted, or any person assisting a participant or any person involved in show  
6 management. The term "engages in an equine activity" does not include being a  
7 spectator at an equine activity, except in cases where the spectator places himself  
8 in an unauthorized area;

9 (2) "Equine", a horse, pony, mule, donkey or hinny;

10 (3) "Equine activity":

11 (a) Equine shows, fairs, competitions, performances or parades that  
12 involve any or all breeds of equines and any of the equine disciplines, including,  
13 but not limited to, dressage, hunter and jumper horse shows, grand prix jumping,  
14 three-day events, combined training, rodeos, driving, pulling, cutting, polo,  
15 steeplechasing, English and western performance riding, endurance trail riding  
16 and western games and hunting;

17 (b) Equine training or teaching activities or both;

18 (c) Boarding equines;

19 (d) Riding, inspecting or evaluating an equine belonging to another,  
20 whether or not the owner has received [some] **or currently receives** monetary  
21 consideration or other thing of value for the use of the equine or is permitting a  
22 prospective purchaser of the equine to ride, inspect or evaluate the equine;

23 (e) Rides, trips, hunts or other equine activities [of any type] however  
24 informal or impromptu that are sponsored by an equine activity sponsor; and

25 (f) Placing or replacing horseshoes on an equine;

26 (4) "Equine activity sponsor", an individual, group, club, partnership or  
27 corporation, whether or not operating for profit or nonprofit, **legal entity**, or any  
28 employee thereof, which sponsors, organizes or provides the facilities for, an  
29 equine activity, including but not limited to pony clubs, 4-H clubs, hunt clubs,  
30 riding clubs, school- and college-sponsored classes, programs and activities,  
31 therapeutic riding programs and operators, instructors and promoters of equine  
32 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs  
33 and arenas at which the activity is held;

34 (5) "Equine professional", a person engaged for compensation, or an  
35 employee of such a person engaged:

36 (a) In instructing a participant or renting to a participant an equine for  
37 the purpose of riding, driving or being a passenger upon the equine; or

38 (b) In renting equipment or tack to a participant;

39 (6) "Inherent risks of equine **or livestock** activities", those dangers or



40 conditions which are an integral part of equine **or livestock** activities, including  
41 but not limited to:

42 (a) The propensity of any equine **or livestock** to behave in ways that may  
43 result in injury, harm or death to persons on or around it;

44 (b) The unpredictability of any equine's **or livestock's** reaction to such  
45 things as sounds, sudden movement and unfamiliar objects, persons or other  
46 animals;

47 (c) Certain hazards such as surface and subsurface conditions;

48 (d) Collisions with other equines, **livestock**, or objects;

49 (e) The potential of a participant to act in a negligent manner that may  
50 contribute to injury to the participant or others, such as failing to maintain  
51 control over the animal or not acting within his ability;

52 (7) **"Livestock", the same as used in section 277.020;**

53 (8) **"Livestock activity":**

54 (a) **Grazing, herding, feeding, branding, milking, or other activity**  
55 **that involves the care or maintenance of livestock;**

56 (b) **A livestock show, fair, competition, or auction;**

57 (c) **A livestock training or teaching activity;**

58 (d) **Boarding livestock; and**

59 (e) **Inspecting or evaluating livestock;**

60 (9) **"Livestock activity sponsor", an individual, group, club,**  
61 **partnership, or corporation, whether or not operating for profit or**  
62 **nonprofit, legal entity, or any employee thereof, which sponsors,**  
63 **organizes, or provides the facilities for, a livestock activity;**

64 (10) **"Livestock facility", a property or facility at which a**  
65 **livestock activity is held;**

66 (11) **"Livestock owner", a person who owns livestock that is**  
67 **involved in livestock activity;**

68 (12) **"Participant", any person, whether amateur or professional, who**  
69 **engages in an equine activity or a livestock activity, whether or not a fee is**  
70 **paid to participate in the equine activity or livestock activity.**

71 2. Except as provided in subsection 4 of this section, an equine activity  
72 sponsor, an equine professional, **a livestock activity sponsor, a livestock**  
73 **owner, a livestock facility, a livestock auction market, any employee**  
74 **thereof**, or any other person or corporation shall not be liable for an injury to or  
75 the death of a participant resulting from the inherent risks of equine **or**

76 **livestock** activities and, except as provided in subsection 4 of this section, no  
77 participant or a participant's representative shall make any claim against,  
78 maintain an action against, or recover from an equine activity sponsor, an equine  
79 professional, **a livestock activity sponsor, a livestock owner, a livestock**  
80 **facility, a livestock auction market, any employee thereof**, or any other  
81 person from injury, loss, damage or death of the participant resulting from any  
82 of the inherent risks of equine **or livestock** activities.

83         3. This section shall not apply to the horse racing industry as regulated  
84 in sections 313.050 to 313.720. This section shall not apply to any  
85 employer-employee relationship governed by the provisions of, and for which  
86 liability is established pursuant to, chapter 287.

87         4. The provisions of subsection 2 of this section shall not prevent or limit  
88 the liability of an equine activity sponsor, an equine professional, **a livestock**  
89 **activity sponsor, a livestock owner, a livestock facility, a livestock**  
90 **auction market, any employee thereof**, or any other person if the equine  
91 activity sponsor, equine professional, **livestock activity sponsor, livestock**  
92 **owner, livestock facility, livestock auction market, any employee**  
93 **thereof**, or person:

94             (1) Provided the equipment or tack and knew or should have known that  
95 the equipment or tack was faulty and such equipment or tack was faulty to the  
96 extent that [it did cause] **the equipment or tack caused** the injury; or

97             (2) Provided the equine **or livestock** and failed to make reasonable and  
98 prudent efforts to determine the ability of the participant to engage safely in the  
99 equine activity **or livestock activity** and determine the ability of the  
100 participant to safely manage the particular equine **or livestock** based on the  
101 participant's age, obvious physical condition or the participant's representations  
102 of his **or her** ability;

103             (3) Owns, leases, rents or otherwise is in lawful possession and control of  
104 the land or facilities upon which the participant sustained injuries because of a  
105 dangerous latent condition which was known to the equine activity sponsor,  
106 equine professional, **livestock activity sponsor, livestock owner, livestock**  
107 **facility, livestock auction market, any employee thereof**, or person and  
108 for which warning signs have not been conspicuously posted;

109             (4) Commits an act or omission that constitutes willful or wanton  
110 disregard for the safety of the participant and that act or omission caused the  
111 injury;

112 (5) Intentionally injures the participant;  
113 (6) Fails to use that degree of care that an ordinarily careful and prudent  
114 person would use under the same or similar circumstances.

115 5. The provisions of subsection 2 of this section shall not prevent or limit  
116 the liability of an equine activity sponsor [or], an equine professional, **a**  
117 **livestock activity sponsor, a livestock owner, a livestock facility, a**  
118 **livestock auction market, or any employee thereof** under liability  
119 provisions as set forth in any other section of law.

120 6. Every equine activity sponsor **and livestock activity sponsor** shall  
121 post and maintain signs which contain the warning notice specified in this  
122 subsection. Such signs shall be placed in a clearly visible location on or near  
123 stables, corrals or arenas where the [equine professional] **equine activity**  
124 **sponsor or livestock activity sponsor** conducts equine **or livestock**  
125 activities if such stables, corrals or arenas are owned, managed or controlled by  
126 the [equine professional] **equine activity sponsor or livestock activity**  
127 **sponsor**. The warning notice specified in this subsection shall appear on the  
128 sign in black letters on a white background with each letter to be a minimum of  
129 one inch in height. Every written contract entered into by an equine professional  
130 [and], **an equine activity sponsor, a livestock activity sponsor, a livestock**  
131 **owner, a livestock facility, a livestock auction market, or any employee**  
132 **thereof** for the providing of professional services, instruction or the rental of  
133 equipment [or], tack, or an equine to a participant, whether or not the contract  
134 involves equine **or livestock** activities on or off the location or site of the equine  
135 professional's [or], equine activity sponsor's, **or livestock activity sponsor's**  
136 business, shall contain in clearly readable print the warning notice specified in  
137 this subsection. The signs and contracts described in this subsection shall  
138 contain the following warning notice:

139 **WARNING**

140 Under Missouri law, an **equine activity sponsor, an** equine  
141 professional, **a livestock activity sponsor, a livestock owner,**  
142 **a livestock facility, a livestock auction market, or any**  
143 **employee thereof** is not liable for an injury to or the death of a  
144 participant in equine **or livestock** activities resulting from the  
145 inherent risks of equine **or livestock** activities pursuant to the  
146 Revised Statutes of Missouri.

✓