

# HOUSE BILL NO. 2914

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CUPPS.

5876H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to diesel-powered vehicles.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.371, to read as follows:

- 1.371. 1. As used in this section, the term "diesel-powered vehicle" means any of the following, as defined in section 301.010, that is powered by a diesel-fueled engine:**
- (1) Automobile transporter;**
  - (2) Boat transporter;**
  - (3) Bus;**
  - (4) Commercial motor vehicle;**
  - (5) Farm tractor;**
  - (6) Fleet vehicle;**
  - (7) Local commercial motor vehicle;**
  - (8) Local log truck;**
  - (9) Local log truck tractor;**
  - (10) Local transit bus;**
  - (11) Log truck;**
  - (12) Non-USA-std motor vehicle;**
  - (13) Recreational motor vehicle;**
  - (14) School bus;**
  - (15) Shuttle bus;**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18           **(16) Tractor, truck tractor, or truck-tractor;**  
19           **(17) Truck;**  
20           **(18) Truck-tractor semitrailer-semitrailer;**  
21           **(19) Truck-trailer boat transporter combination; or**  
22           **(20) Wrecker or tow truck.**

23           **2. No entity or person, including any public officer or employee of this state or**  
24 **any political subdivision of this state, shall have the authority to enforce or attempt to**  
25 **enforce any federal acts, laws, executive orders, administrative orders, court orders,**  
26 **rules, regulations, statutes, or ordinances governing the removal of emission control**  
27 **devices on any diesel-powered vehicle.**

28           **3. (1) Any entity that employs any person who acts knowingly, as defined in**  
29 **section 562.016, to violate the provisions of subsection 2 of this section while acting**  
30 **under the color of any state or federal law shall be liable to the injured party in an**  
31 **action at law, suit in equity, or other proper proceeding for redress.**

32           **(2) In such actions, the court may award the prevailing party, other than the**  
33 **state of Missouri or any political subdivision of the state, reasonable attorney's fees and**  
34 **costs.**

35           **(3) Sovereign, official, or qualified immunity shall not be an affirmative defense**  
36 **in such actions.**

37           **4. (1) Any entity that employs an individual acting as an official, agent,**  
38 **employee, or deputy of the government of the United States, or otherwise acting under**  
39 **the color of federal law within the borders of this state, shall be subject to a civil penalty**  
40 **of one hundred thousand dollars per occurrence if such individual knowingly, as defined**  
41 **in section 562.016:**

42           **(a) Enforces or attempts to enforce any of the federal legislative, executive, or**  
43 **judicial actions described in subsection 2 of this section; or**

44           **(b) Gives material aid and support to the efforts of another who enforces or**  
45 **attempts to enforce any of the federal legislative, executive, or judicial actions described**  
46 **in subsection 2 of this section.**

47           **(2) Any person residing or conducting business in a jurisdiction who believes**  
48 **that an individual has taken action that would violate the provisions of this section shall**  
49 **have standing to pursue an action for declaratory judgment in the circuit court of the**  
50 **county in which the action allegedly occurred or in the circuit court of Cole County with**  
51 **respect to the actions of such individual.**

52           **(3) If a court determines that an individual has taken any action in violation of**  
53 **the provisions of this section, the entity that employs such individual shall be required to**  
54 **pay the court costs and attorney's fees associated with the declaratory judgment action**  
55 **that resulted in the civil penalty.**

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