

SECOND REGULAR SESSION

HOUSE BILL NO. 1510

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor), DENISON, LONG, HINSON, SCHIEFFER, FALLERT, CONWAY (27), McDONALD, KELLY (24), TORPEY, MEADOWS AND KRATKY (Co-sponsors).

5381H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 144.030 and 390.020, RSMo, and to enact in lieu thereof two new sections relating to regulation of motor carriers.

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

Section A. Sections 144.030 and 390.020, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 144.030 and 390.020, to read as follows:

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be

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.

16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,
29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, [motor vehicles,] watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) **Materials, replacement parts, and equipment purchased for use directly upon,**
39 **and for the repair and maintenance or manufacture of motor vehicles used by motor**
40 **carriers in the transportation of persons or property. For purposes of this subdivision, the**
41 **terms "motor vehicles" and "motor carriers" shall have the meanings ascribed to them in**
42 **section 390.020;**

43 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
44 required for the installation or construction of such replacement machinery, equipment, and
45 parts, used directly in manufacturing, mining, fabricating or producing a product which is
46 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
47 the materials and supplies required solely for the operation, installation or construction of such
48 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
49 material recovery processing plants in this state. For the purposes of this subdivision, a "material
50 recovery processing plant" means a facility that has as its primary purpose the recovery of
51 materials into a useable product or a different form which is used in producing a new product and

52 shall include a facility or equipment which are used exclusively for the collection of recovered
53 materials for delivery to a material recovery processing plant but shall not include motor vehicles
54 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
55 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
56 within a manufacturing process or the use of a product previously recovered. The material
57 recovery processing plant shall qualify under the provisions of this section regardless of
58 ownership of the material being recovered;

59 [(5)] (6) Machinery and equipment, and parts and the materials and supplies solely
60 required for the installation or construction of such machinery and equipment, purchased and
61 used to establish new or to expand existing manufacturing, mining or fabricating plants in the
62 state if such machinery and equipment is used directly in manufacturing, mining or fabricating
63 a product which is intended to be sold ultimately for final use or consumption;

64 [(6)] (7) Tangible personal property which is used exclusively in the manufacturing,
65 processing, modification or assembling of products sold to the United States government or to
66 any agency of the United States government;

67 [(7)] (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

68 [(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
69 and other machinery, equipment, replacement parts and supplies used in producing newspapers
70 published for dissemination of news to the general public;

71 [(9)] (10) The rentals of films, records or any type of sound or picture transcriptions for
72 public commercial display;

73 [(10)] (11) Pumping machinery and equipment used to propel products delivered by
74 pipelines engaged as common carriers;

75 [(11)] (12) Railroad rolling stock for use in transporting persons or property in interstate
76 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
77 more or trailers used by [common] **motor** carriers, as defined in section 390.020, in the
78 transportation of persons or property;

79 [(12)] (13) Electrical energy used in the actual primary manufacture, processing,
80 compounding, mining or producing of a product, or electrical energy used in the actual secondary
81 processing or fabricating of the product, or a material recovery processing plant as defined in
82 subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost
83 of electrical energy so used exceeds ten percent of the total cost of production, either primary or
84 secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such
85 processing contain at least twenty-five percent recovered materials as defined in section 260.200.
86 There shall be a rebuttable presumption that the raw materials used in the primary manufacture
87 of automobiles contain at least twenty-five percent recovered materials. For purposes of this

88 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
89 materials to transform and reduce them to a different state or thing, including treatment necessary
90 to maintain or preserve such processing by the producer at the production facility;

91 [(13)] **(14)** Anodes which are used or consumed in manufacturing, processing,
92 compounding, mining, producing or fabricating and which have a useful life of less than one
93 year;

94 [(14)] **(15)** Machinery, equipment, appliances and devices purchased or leased and used
95 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
96 supplies solely required for the installation, construction or reconstruction of such machinery,
97 equipment, appliances and devices;

98 [(15)] **(16)** Machinery, equipment, appliances and devices purchased or leased and used
99 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
100 supplies solely required for the installation, construction or reconstruction of such machinery,
101 equipment, appliances and devices;

102 [(16)] **(17)** Tangible personal property purchased by a rural water district;

103 [(17)] **(18)** All amounts paid or charged for admission or participation or other fees paid
104 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
105 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
106 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
107 the municipality or other political subdivision and do not inure to any private person, firm, or
108 corporation;

109 [(18)] **(19)** All sales of insulin and prosthetic or orthopedic devices as defined on January
110 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
111 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
112 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
113 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
114 administer those items, including samples and materials used to manufacture samples which may
115 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
116 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
117 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
118 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
119 one or more physical or mental disabilities to enable them to function more independently, all
120 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
121 alternative and augmentative communication devices, and items used solely to modify motor
122 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
123 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by

124 the Food and Drug Administration to meet the over-the-counter drug product labeling
125 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
126 licensed to prescribe;

127 [(19)] **(20)** All sales made by or to religious and charitable organizations and institutions
128 in their religious, charitable or educational functions and activities and all sales made by or to
129 all elementary and secondary schools operated at public expense in their educational functions
130 and activities;

131 [(20)] **(21)** All sales of aircraft to common carriers for storage or for use in interstate
132 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
133 organizations, including fraternal organizations which have been declared tax-exempt
134 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as
135 amended, in their civic or charitable functions and activities and all sales made to eleemosynary
136 and penal institutions and industries of the state, and all sales made to any private not-for-profit
137 institution of higher education not otherwise excluded pursuant to subdivision (19) of this
138 subsection or any institution of higher education supported by public funds, and all sales made
139 to a state relief agency in the exercise of relief functions and activities;

140 [(21)] **(22)** All ticket sales made by benevolent, scientific and educational associations
141 which are formed to foster, encourage, and promote progress and improvement in the science of
142 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
143 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
144 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
145 fair conducted by a county agricultural and mechanical society organized and operated pursuant
146 to sections 262.290 to 262.530;

147 [(22)] **(23)** All sales made to any private not-for-profit elementary or secondary school,
148 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
149 production of food or fiber, all sales of pesticides used in the production of crops, livestock or
150 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
151 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
152 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
153 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
154 new generation cooperative or an eligible new generation processing entity as defined in section
155 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
156 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
157 additives" means tangible personal property which, when mixed with feed for livestock or
158 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
159 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted

160 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
161 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
162 used in this subdivision, the term "farm machinery and equipment" means new or used farm
163 tractors and such other new or used farm machinery and equipment and repair or replacement
164 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
165 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
166 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
167 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
168 one-half of each purchaser's purchase of diesel fuel therefor which is:

- 169 (a) Used exclusively for agricultural purposes;
- 170 (b) Used on land owned or leased for the purpose of producing farm products; and
- 171 (c) Used directly in producing farm products to be sold ultimately in processed form or
172 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
173 ultimately in processed form at retail;

174 [(23)] **(24)** Except as otherwise provided in section 144.032, all sales of metered water
175 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home
176 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered
177 water service for domestic use:

178 (a) "Domestic use" means that portion of metered water service, electricity, electrical
179 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
180 within a county, metered or unmetered water service, which an individual occupant of a
181 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
182 service through a single or master meter for residential apartments or condominiums, including
183 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
184 Each seller shall establish and maintain a system whereby individual purchases are determined
185 as exempt or nonexempt;

186 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
187 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
188 with and approved by the Missouri public service commission. Sales and purchases made
189 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
190 of the occupants of residential apartments or condominiums through a single or master meter,
191 including service for common areas and facilities and vacant units, shall be considered as sales
192 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
193 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
194 service rate classification and the provision of service thereunder shall be conclusive as to
195 whether or not the utility must charge sales tax;

196 (c) Each person making domestic use purchases of services or property and who uses any
197 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
198 of the fourth month following the year of purchase, and without assessment, notice or demand,
199 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
200 nondomestic purchases of services or property and who uses any portion of the services or
201 property so purchased for domestic use, and each person making domestic purchases on behalf
202 of occupants of residential apartments or condominiums through a single or master meter,
203 including service for common areas and facilities and vacant units, under a nonresidential utility
204 service rate classification may, between the first day of the first month and the fifteenth day of
205 the fourth month following the year of purchase, apply for credit or refund to the director of
206 revenue and the director shall give credit or make refund for taxes paid on the domestic use
207 portion of the purchase. The person making such purchases on behalf of occupants of residential
208 apartments or condominiums shall have standing to apply to the director of revenue for such
209 credit or refund;

210 [(24)] **(25)** All sales of handcraft items made by the seller or the seller's spouse if the
211 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
212 such sales do not constitute a majority of the annual gross income of the seller;

213 [(25)] **(26)** Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061,
214 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The
215 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local
216 sales taxes on such excise taxes;

217 [(26)] **(27)** Sales of fuel consumed or used in the operation of ships, barges, or
218 waterborne vessels which are used primarily in or for the transportation of property or cargo, or
219 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
220 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
221 while it is afloat upon such river;

222 [(27)] **(28)** All sales made to an interstate compact agency created pursuant to sections
223 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities
224 of such agency as provided pursuant to the compact;

225 [(28)] **(29)** Computers, computer software and computer security systems purchased for
226 use by architectural or engineering firms headquartered in this state. For the purposes of this
227 subdivision, "headquartered in this state" means the office for the administrative management
228 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

229 [(29)] **(30)** All livestock sales when either the seller is engaged in the growing, producing
230 or feeding of such livestock, or the seller is engaged in the business of buying and selling,
231 bartering or leasing of such livestock;

232 [(30)] **(31)** All sales of barges which are to be used primarily in the transportation of
233 property or cargo on interstate waterways;

234 [(31)] **(32)** Electrical energy or gas, whether natural, artificial or propane, water, or other
235 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
236 products or in any material recovery processing plant as defined in subdivision (4) of this
237 subsection;

238 [(32)] **(33)** Notwithstanding other provisions of law to the contrary, all sales of pesticides
239 or herbicides used in the production of crops, aquaculture, livestock or poultry;

240 [(33)] **(34)** Tangible personal property and utilities purchased for use or consumption
241 directly or exclusively in the research and development of agricultural/biotechnology and plant
242 genomics products and prescription pharmaceuticals consumed by humans or animals;

243 [(34)] **(35)** All sales of grain bins for storage of grain for resale;

244 [(35)] **(36)** All sales of feed which are developed for and used in the feeding of pets
245 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
246 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

247 [(36)] **(37)** All purchases by a contractor on behalf of an entity located in another state,
248 provided that the entity is authorized to issue a certificate of exemption for purchases to a
249 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
250 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
251 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
252 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
253 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
254 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
255 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
256 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
257 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
258 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
259 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
260 or remodeling facilities for the following:

261 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
262 project exemption certificates in accordance with the provisions of section 144.062; or

263 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
264 an exemption certificate to contractors in accordance with the provisions of that state's law and
265 the applicable provisions of this section;

266 [(37)] **(38)** All sales or other transfers of tangible personal property to a lessor who leases
267 the property under a lease of one year or longer executed or in effect at the time of the sale or

268 other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or
269 sections 238.010 to 238.100;

270 [(38)] (39) Sales of tickets to any collegiate athletic championship event that is held in
271 a facility owned or operated by a governmental authority or commission, a quasi-governmental
272 agency, a state university or college or by the state or any political subdivision thereof, including
273 a municipality, and that is played on a neutral site and may reasonably be played at a site located
274 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
275 is not located on the campus of a conference member institution participating in the event;

276 [(39)] (40) All purchases by a sports complex authority created under section 64.920, and
277 all sales of utilities by such authority at the authority's cost that are consumed in connection with
278 the operation of a sports complex leased to a professional sports team;

279 [(40)] (41) Beginning January 1, 2009, but not after January 1, 2015, materials,
280 replacement parts, and equipment purchased for use directly upon, and for the modification,
281 replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

282 [(41)] (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range
283 or similar places of business for use in the normal course of business and money received by a
284 shooting range or similar places of business from patrons and held by a shooting range or similar
285 place of business for redistribution to patrons at the conclusion of a shooting event.

390.020. As used in this chapter, unless the context clearly requires otherwise, the words
2 and terms mean:

3 (1) "Agricultural commodities in bulk", commodities conforming to the meaning of
4 "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural
5 or forest products or any other products which are grown or produced on a farm or in a forest,
6 and which have not undergone processing at any time since movement from the farm or forest,
7 or processed or unprocessed grain, feed, feed ingredients, or forest products;

8 (2) "Certificate", a written document authorizing a common carrier to engage in
9 intrastate commerce and issued under the provisions of this chapter;

10 (3) "Charter service", the transportation of a group of persons who, pursuant to a
11 common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a
12 passenger-carrying motor vehicle to travel together as a group from a point of origin to a
13 specified destination or for a particular itinerary, either agreed upon in advance or modified by
14 the chartering group after having left the place of origin;

15 (4) "Commercial zone", unless otherwise increased pursuant to the provisions of
16 subdivision (4) of section 390.041, any municipality within this state together with that territory
17 either within or without the state of Missouri, extending one mile beyond the corporate limits of
18 such municipality and one additional mile for each fifty thousand inhabitants or portion thereof;

19 however, any commercial zone of a city not within a county shall extend eighteen miles beyond
20 that city's corporate limits and shall also extend throughout any first class charter county which
21 adjoins that zone;

22 (5) "Commodities in bulk", commodities, which are fungible, flowable, capable of being
23 poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are
24 weighed or measured by volume and which conform to the shape of the vehicle transporting
25 them;

26 (6) "Common carrier", any person [which holds itself out to the general public to engage]
27 **who engages** in the transportation by motor vehicle of passengers or property for hire or
28 compensation upon the public highways and airlines engaged in intrastate commerce;

29 (7) "Contract carrier", any person under individual contracts or agreements which engage
30 in transportation by motor vehicles of passenger or property for hire or compensation upon the
31 public highways;

32 (8) "Corporate family", a group of corporations consisting of a parent corporation and
33 all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent
34 interest;

35 (9) "Division", the division of motor carrier and railroad safety of the department of
36 transportation;

37 (10) "Driveaway operator":

38 (a) Any motor carrier who moves any commercial motor vehicle or assembled
39 automobile singly under its own power or in any other combination of two or more vehicles
40 under the power of one of said vehicles upon any public highway for the purpose of delivery for
41 sale or for delivery either before or after sale;

42 (b) A person engaged in the business of furnishing drivers and operators for the purpose
43 of transporting vehicles in transit from one place to another by the driveaway or towaway
44 methods; or

45 (c) A person who is lawfully engaged in the business of transporting or delivering
46 vehicles that are not the person's own and vehicles of a type otherwise required to be registered,
47 by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or
48 from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee
49 designated by the shipper or consignor;

50 (11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers
51 commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by
52 tipping or opening the body in such a manner that the load is ejected or dumped by gravity but
53 does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of
54 an auger, conveyor belt, air pressure, pump or other mechanical means;

55 (12) "Household goods", personal effects and property used or to be used in a dwelling
56 when a part of the equipment or supply of such dwelling; new or used furniture; store or office
57 furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and
58 articles, which because of their unusual nature or value require specialized handling and
59 equipment usually employed in moving household goods;

60 (13) "Interstate commerce", commerce between a point in this state and a point outside
61 this state, or between points outside this state when such commerce moves through this state
62 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
63 by any other regulated means of transportation where the commodity does not come to rest or
64 change its identity during the movement;

65 (14) "Intrastate commerce", commerce moving wholly between points within this state,
66 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
67 by any other means of transportation;

68 (15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle
69 when not restricted to any specific route or routes within the area the motor carrier is authorized
70 to serve;

71 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being
72 transported on the motor vehicle at one time;

73 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and
74 any other transportable building unit designed to be used for residential, commercial, industrial
75 or recreational purposes, including special equipment, wheels, tires, axles, springs, racks,
76 undercarriages and undersupports used or useful in connection with the transportation of mobile
77 homes when transported as part of the transportation of mobile homes;

78 (18) "Motor carrier", any person engaged in the transportation of property or passengers,
79 or both, for compensation or hire, over the public roads of this state by motor vehicle. The term
80 includes both common and contract carriers;

81 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus
82 or any self-propelled vehicle used upon the highways of the state in the transportation of property
83 or passengers;

84 (20) "Party", any person admitted as a party to a division proceeding or seeking and
85 entitled as a matter of right to admission to a division proceeding;

86 (21) "Permit", a permit issued under the provisions of this chapter to a contract carrier
87 to engage in intrastate or interstate commerce or to a common carrier to engage in interstate
88 commerce;

89 (22) "Person", any individual or other legal entity, whether such entity is a
90 proprietorship, partnership, corporation, company, association or joint-stock association,

91 including the partners, officers, employees, and agents of the person, as well as any trustees,
92 assignees, receivers, or personal representatives of the person;

93 (23) "Private carrier", any person engaged in the transportation of property or passengers
94 by motor vehicle upon public highways, but not as a common or contract carrier by motor
95 vehicle; and includes any person who transports property by motor vehicle where such
96 transportation is incidental to or in furtherance of his commercial enterprises;

97 (24) "Public highway", every public street, road, highway or thoroughfare of any kind
98 used by the public, whether actually dedicated to the public;

99 (25) "Regular route", a specific and determined course to be traveled by a motor carrier's
100 vehicle rendering service to, from or between various points or localities in this state;

101 (26) "School bus", any motor vehicle while being used solely to transport students to or
102 from school or to transport students to or from any place for educational purposes or school
103 purposes;

104 (27) "Taxicab", any motor vehicle performing a bona fide for-hire taxicab service having
105 a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular
106 route or between fixed termini;

107 (28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one
108 consignee for delivery at the direction of the consignor or consignee with the lot or lots being the
109 only lot or lots transported on the motor vehicle at any one time.

✓