

FIRST REGULAR SESSION

# HOUSE BILL NO. 306

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BERRY.

0941H.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to weigh station and inspection site bypass services.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.231, to read as follows:

**304.231. 1. The Missouri state highway patrol shall have the sole authority to authorize, approve, and operate weigh station and inspection site bypass services. The Missouri department of transportation shall not have any authority over weigh station and inspection site bypass service authorization, approval, or regulation, other than to approve construction designs for weigh-in-motion system installations on public roads.**

**2. The Missouri state highway patrol shall enter into an agreement or contract with more than one private entity, if available, to provide weigh station and inspection site bypass services within the state, and shall support weigh station and inspection site bypass services operating within the state.**

**3. The Missouri state highway patrol shall require all weigh station and inspection site bypass service providers to provide unrestricted real-time data access to their weigh-in-motion systems and associated equipment to the state and to other weigh station and inspection site bypass service providers.**

**4. The Missouri state highway patrol shall, when it is in the best interest of the state, require weigh station and inspection site bypass service providers to share real-time access to weigh-in-motion systems and associated data for purposes of reducing the impact or cost of duplicative system installation or operation, or of maintenance to public roads.**

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 In the event such requirement is subsequently applied to a preexisting weigh-in-motion  
19 system, the state shall allocate reasonable cost sharing based on use among all users  
20 sharing the system, with a cost base to include costs of ongoing support and maintenance  
21 and any undepreciated capital costs.

22 5. The Missouri state highway patrol shall not impose any arbitrary requirement  
23 on the number of weigh station and inspection site bypass service sites an entity may  
24 operate in the state, and instead shall allow market forces to determine the location and  
25 number of service sites each entity operates in the state, subject only to the Missouri state  
26 highway patrol finding that any proposed site provides value to the state.

27 6. The Missouri state highway patrol shall apply consistent rules and rates across  
28 all weigh station and inspection site bypass services, including with regard to credit given  
29 to weigh station bypass service providers that provide additional data access rights to the  
30 state and to other weigh station bypass service providers.

31 7. No state employee, representative, or designee under section 304.230 shall be an  
32 officer or director of any entity that provides weigh-in-motion services within the state.  
33 No state employee, representative, or designee under section 304.230 shall owe any duty,  
34 fiduciary or otherwise, to an entity that provides weigh-in-motion services within the state.  
35 Contracts in derogation of this subsection shall be unenforceable as against the public  
36 policy of this state.

37 8. Application to establish or operate a weigh station and inspection site bypass  
38 service site shall be made to the Missouri state highway patrol in the form of a request for  
39 a memorandum of understanding, signed by the entity seeking to establish or operate the  
40 service site.

41 9. The Missouri state highway patrol shall promulgate the rules and regulations  
42 necessary to effect this section. Any rule or portion of a rule, as that term is defined in  
43 section 536.010 that is created under the authority delegated in this section shall become  
44 effective only if it complies with and is subject to all of the provisions of chapter 536, and,  
45 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
46 the powers vested with the general assembly pursuant to chapter 536, to review, to delay  
47 the effective date, or to disapprove and annul a rule are subsequently held  
48 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
49 after August 28, 2017, shall be invalid and void.

50 10. The Missouri state highway patrol may set criteria for the installation of  
51 weigh-in-motion sensors or other technologies into the roadway or right-of-way which does  
52 not exceed American Society for Testing and Materials Type I standards. Such criteria  
53 shall be neutral as to what technology is implemented. The Missouri state highway patrol

54 shall require weigh station and inspection site bypass service providers, when making  
55 bypass determinations, to adjust all weight readings upward by the amount equal to the  
56 level of inaccuracy tested in the installed weigh-in-motion system.

57       11. The Missouri state highway patrol shall approve or deny requests for a  
58 memorandum of understanding within sixty days of receipt. Any such decision is subject  
59 to review by the administrative hearing commission.

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