

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 306
99TH GENERAL ASSEMBLY

0941H.02C

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
2 known as section 304.231, to read as follows:

304.231. 1. The Missouri state highway patrol has the authority to authorize,
2 **approve, and operate weigh station and inspection site commercial bypass services. The**
3 **Missouri department of transportation has the authority to approve construction designs**
4 **for weigh-in-motion system installations on public roads.**

5 **2. The Missouri state highway patrol shall create a competitive marketplace for**
6 **businesses utilizing multiple commercial bypass system providers if multiple providers**
7 **exist. If there are no commercial providers, then the Missouri state highway patrol is not**
8 **required to provide bypass services.**

9 **3. Commercial bypass service providers shall provide unrestricted real-time data**
10 **access to their weigh-in-motion systems and associated equipment to the state. Such real-**
11 **time data shall be considered open records under the provisions of chapter 610 and, if**
12 **requested under the provisions of such chapter, shall be provided in real-time.**

13 **4. To avoid duplicative weight bypass sensors at each weigh station site, the**
14 **Missouri state highway patrol shall allow only one set of sensors at each weigh station site**
15 **and shall allocate reasonable cost sharing based on use among all users sharing the system,**
16 **with a cost base to include costs of ongoing support and maintenance and any**
17 **undepreciated capital costs.**

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 **5. The Missouri state highway patrol shall allow market forces to determine the**
19 **location and number of service sites each commercial weigh station bypass chooses to**
20 **operate in the state.**

21 **6. No state employee, representative, or designee under section 304.230 shall be an**
22 **officer or director of any entity that provides weigh-in-motion services within the state.**
23 **No state employee, representative, or designee under section 304.230 shall owe any duty,**
24 **fiduciary or otherwise, to an entity that provides weigh-in-motion services within the state.**
25 **Contracts in derogation of this subsection shall be unenforceable as against the public**
26 **policy of this state.**

27 **7. Application to establish or operate a weigh station and inspection site bypass**
28 **service site shall be made to the Missouri state highway patrol in the form of a request for**
29 **a memorandum of understanding, signed by the entity seeking to establish or operate the**
30 **service site.**

31 **8. The Missouri state highway patrol shall promulgate the rules and regulations**
32 **necessary to effect this section. Any rule or portion of a rule, as that term is defined in**
33 **section 536.010 that is created under the authority delegated in this section shall become**
34 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
35 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
36 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
37 **the effective date, or to disapprove and annul a rule are subsequently held**
38 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
39 **after August 28, 2017, shall be invalid and void.**

40 **9. The Missouri state highway patrol may set criteria for the installation of**
41 **weigh-in-motion sensors or other technologies into the roadway or right-of-way that do not**
42 **exceed American Society for Testing and Materials Type I standards. Such criteria shall**
43 **be neutral as to what technology is implemented. The Missouri state highway patrol shall**
44 **require commercial weigh station and inspection site bypass service providers, when**
45 **making bypass determinations, to adjust all weight readings upward by the amount equal**
46 **to the level of inaccuracy tested in the installed weigh-in-motion system.**

47 **10. The Missouri state highway patrol shall approve or deny requests for a**
48 **memorandum of understanding within ninety days of receipt. Any denial shall state the**
49 **reason or reasons for the denial. Any such decision is subject to review by the**
50 **administrative hearing commission.**

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