

FIRST REGULAR SESSION

HOUSE BILL NO. 709

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE O'CONNOR.

Read 1st time February 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1780L.011

AN ACT

To repeal sections 304.030, 307.400, 390.020, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.081, 390.101, 390.106, 390.111, 390.116, 390.121, 390.136, 390.146, 390.171, 390.250, 390.270, 390.290, 390.300, 390.310, 622.095, 622.400, 622.490, 622.600, 622.604, 622.608, 622.610, 622.612 and 622.617, RSMo 2000, relating to the division of motor carrier and railroad safety, and to enact in lieu thereof thirty-two new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 304.030, 307.400, 390.020, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.081, 390.101, 390.106, 390.111, 390.116, 390.121, 390.136, 390.146, 390.171, 390.250, 390.270, 390.290, 390.300, 390.310, 622.095, 622.400, 622.490, 622.600, 622.604, 622.608, 622.610, 622.612 and 622.617, RSMo 2000, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 304.030, 307.400, 390.020, 390.041, 390.045, 390.051, 390.061, 390.062, 390.063, 390.066, 390.081, 390.101, 390.111, 390.116, 390.121, 390.136, 390.146, 390.171, 390.250, 390.270, 390.290, 390.300, 390.310, 622.095, 622.400, 622.490, 622.600, 622.604, 622.608, 622.610, 622.612 and 622.617, to read as follows:

304.030. Every motor vehicle transporting passengers, for hire, every school bus, and every motor vehicle transporting high explosives, or poisonous or compressed inflammable gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, other than a crossing that is specifically exempted from the stopping requirement by order of the division

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

6 of motor carrier and railroad safety of the department of economic development, be brought to
7 a full stop within fifty feet, but not less than fifteen feet, from the nearest rail of such railroad
8 grade crossing, and shall not proceed until due caution has been taken to ascertain that the course
9 is clear, except that such full stop shall not be required at a streetcar crossing within a business
10 or residence district, nor at a railroad grade crossing [protected by a watchman] **at which a**
11 **flagger** or traffic officer on duty [or by a traffic control signal (not railroad flashing signal)] **is**
12 giving positive indication to approaching vehicles to proceed, nor when the division of motor
13 carrier and railroad safety has ordered the placement of an exempt sign **or a track out of service**
14 **sign** at the crossing.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle
2 [licensed for more than twelve thousand pounds] either singly or in combination with a trailer
3 **in intrastate or interstate commerce, or to operate in intrastate commerce any motor**
4 **vehicle having a capacity of more than five passengers, exclusive of the driver**, as [both]
5 **these** vehicles are defined in section 301.010, RSMo, unless such vehicles are equipped and
6 operated as required by Parts [390] **379** through [397] **399 of**, Title 49, Code of Federal
7 Regulations, as such regulations have been and may periodically be amended[, whether intrastate
8 transportation or interstate transportation]. Members of the Missouri state highway patrol are
9 authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect the contents
10 when reasonable grounds exist to cause belief that the vehicle is transporting hazardous materials
11 as defined by Title 49 of the Code of Federal Regulations. The director of the department of
12 public safety is hereby authorized to further regulate the safety of commercial motor vehicles and
13 trailers as he deems necessary to govern and control their operation on the public highways of
14 this state by promulgating and publishing rules and regulations consistent with this chapter. Any
15 such rules shall, in addition to any other provisions deemed necessary by the director, require:

16 (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in
17 a safe condition at all times;

18 (2) Accidents arising from or in connection with the operation of commercial motor
19 vehicles and trailers to be reported to the department of public safety in such detail and in such
20 manner as the director may require.

21

22 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this
23 section shall not apply to any commercial motor vehicle operated in intrastate commerce and
24 licensed for a gross weight of sixty thousand pounds or less when used exclusively for the
25 transportation of solid waste or forty-two thousand pounds or less when the license plate has
26 been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri,
27 unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal

28 Regulations.

29 2. Notwithstanding the provisions of subsection 1 of this section to the contrary[,]:

30 (1) Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical
31 requirements of drivers shall not be applicable to drivers in intrastate commerce[, provided]:

32 (a) If such drivers were licensed by this state as chauffeurs to operate commercial motor
33 vehicles on May 13, 1988[.]; or

34 (b) **To the extent that the physical requirements are waived for an intrastate driver**
35 **by order of the division of motor carrier and railroad safety within the department of**
36 **economic development, pursuant to the provisions of subdivision (6) of section 390.041,**
37 **RSMo;**

38 (2) Persons who are otherwise qualified and licensed to operate a commercial motor
39 vehicle in this state may operate such vehicle intrastate at the age of eighteen years or older,
40 except that any person transporting hazardous material must be at least twenty-one years of age.

41 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service
42 if the vehicles are not equipped and operated according to the requirements of this section.
43 Criteria used for placing vehicles and drivers out of service are the North American Uniform
44 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United
45 States Department of Transportation, as such criteria have been and may periodically be
46 amended.

47 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
48 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any
49 vehicle owned or operated by any public utility, rural electric cooperative or other public service
50 organization, or to the driver of such vehicle, while providing restoration of essential utility
51 services during emergencies and operating intrastate. For the purposes of this subsection, the
52 term "essential utility services" means electric, gas, water, telephone and sewer services.

53 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall
54 not apply to drivers transporting agricultural commodities or farm supplies for agricultural
55 purposes in this state if such transportation:

56 (1) Is limited to an area within a one hundred air mile radius from the source of the
57 commodities or the distribution point for the farm supplies; and

58 (2) Is conducted during the planting and harvesting season within this state, as defined
59 by the department of public safety by regulation.

60 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to
61 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations
62 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains
63 and retains for a period of six months accurate and true records showing:

64 (1) The total number of hours the driver is on duty each day; and

65 (2) The time at which the driver reports for, and is released from, duty each day.

66 7. Violation of any provision of this section or any rule promulgated as authorized
67 therein is a class B misdemeanor.

68 8. No rule or portion of a rule promulgated [under] **pursuant to** the authority of this
69 chapter shall become effective unless it has been promulgated pursuant to the provisions of
70 section 536.024, RSMo.

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)] (2) **"Charter bus", a motor vehicle designed or used to transport seven or
11 more passengers, including the driver, in charter service whether operated in interstate or
12 intrastate commerce;**

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

18 (4) "Commercial zone", unless otherwise increased pursuant to the provisions of
19 subdivision (4) of section 390.041, any municipality within this state together with that territory
20 either within or without the state of Missouri, extending one mile beyond the corporate limits of
21 such municipality and one additional mile for each fifty thousand inhabitants or portion thereof;
22 however, any commercial zone of a city not within a county shall extend eighteen miles beyond
23 that city's corporate limits and shall also extend throughout any first class charter county which
24 adjoins that zone;

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

29 (6)] "Common carrier", any person which holds itself out to the general public to engage

30 in the transportation by motor vehicle of passengers or property for hire or compensation upon
31 the public highways and airlines engaged in intrastate commerce;

32 [(7)] (6) "Contract carrier", any person [under] **pursuant to** individual contracts or
33 agreements which engage in transportation by motor vehicles of passenger or property for hire
34 or compensation upon the public highways;

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

38 (9)] (7) "Division", the division of motor carrier and railroad safety of the department
39 of economic development;

40 [(10)] (8) "Driveaway operator", any motor carrier who moves any commercial motor
41 vehicle or assembled automobile singly under its own power or in any other combination of two
42 or more vehicles under the power of one of said vehicles upon any public highway for the
43 purpose of delivery for sale or for delivery either before or after sale;

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

49 (12)] (9) "Household goods", personal effects and property used or to be used in a
50 dwelling when a part of the equipment or supply of such dwelling[; new or used furniture; store
51 or office furniture or fixtures; equipment of museums, institutions, hospitals and other
52 establishments; and articles, which because of their unusual nature or value require specialized
53 handling and equipment usually employed in moving household goods;] **and similar property,**
54 **if the transportation of such effects or property, is either arranged and paid for by the**
55 **householder, including transportation of property from a factory or store when the**
56 **property is purchased by the householder with the intent to use in his or her dwelling, or**
57 **arranged and paid for by another party. The term "household goods" shall not include**
58 **personal property which when tendered to a motor carrier is crated or otherwise packaged**
59 **to make it suitable for transportation by motor carriers of general commodities, freight or**
60 **property;**

61 [(13)] (10) "Interstate commerce", commerce between a point in this state and a point
62 outside this state, or between points outside this state when such commerce moves through this
63 state whether such commerce moves wholly by motor vehicle or partly by motor vehicle and
64 partly by any other regulated means of transportation where the commodity does not come to rest
65 or change its identity during the movement;

66 [(14)] (11) "Intrastate commerce", commerce moving wholly between points within this
67 state, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and
68 partly by any other means of transportation;

69 [(15)] (12) "Irregular route", the course or line of travel to be used by a motor carrier's
70 vehicle when not restricted to any specific route or routes within the area the motor carrier is
71 authorized to serve;

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

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

79 (18)] (13) "Motor carrier", any person engaged in the transportation of property or
80 passengers, or both, for compensation or hire, over the public roads of this state by motor
81 vehicle. The term includes both common and contract carriers, **as defined in this section, and**
82 **registered charter bus and registered property carrier, as defined in sections 390.250 and**
83 **622.600, RSMo;**

84 [(19)] (14) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor
85 bus or any self-propelled vehicle used upon the highways of the state in the transportation of
86 property or passengers;

87 [(20)] (15) "Party", any person admitted as a party to a division proceeding or seeking
88 and entitled as a matter of right to admission to a division proceeding;

89 [(21)] (16) "Permit", a permit issued [under] **pursuant to** the provisions of this chapter
90 to a contract carrier to engage in intrastate or interstate commerce or to a common carrier to
91 engage in interstate commerce;

92 [(22)] (17) "Person", any individual or other legal entity, whether such entity is a
93 proprietorship, partnership, corporation, company, association or joint-stock association,
94 including the partners, officers, employees, and agents of the person, as well as any trustees,
95 assignees, receivers, or personal representatives of the person;

96 [(23)] (18) "Private carrier", any person engaged in the transportation of property or
97 passengers by motor vehicle upon public highways, but not as a common or contract carrier by
98 motor vehicle; and includes any person who transports property by motor vehicle where such
99 transportation is incidental to or in furtherance of his commercial enterprises;

100 [(24)] (19) "Public highway", every public street, road, highway or thoroughfare of any
101 kind used by the public, whether actually dedicated to the public;

102 [(25)] (20) "Regular route", a specific and determined course to be traveled by a motor
103 carrier's vehicle rendering service to, from or between various points or localities in this state;

104 [(26)] (21) "School bus", any motor vehicle while being used solely to transport students
105 to or from school or to transport students to or from any place for educational purposes or school
106 purposes;

107 [(27)] (22) "Taxicab", any motor vehicle performing a bona fide for hire taxicab service
108 having a capacity of not more than five passengers, exclusive of the driver, and not operated on
109 a regular route or between fixed termini[;

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

 390.041. The division of motor carrier and railroad safety is hereby vested with power
2 and authority:

3 (1) To license, supervise and regulate every common or contract carrier in this state; to
4 make, fix or approve just and reasonable minimum, maximum, or minimum and maximum rates,
5 fares and charges [thereof] **for the transportation of passengers or household goods**; to make,
6 fix or approve just and reasonable classifications, rules and regulations pertaining to rates, fares
7 and charges [thereof] **for the transportation of passengers or household goods**; by general
8 order or otherwise, to establish reasonable requirements with respect to adequate and continuous
9 service[,] **by motor carriers of passengers or household goods, and** uniform systems of
10 accounts, records [and], reports[,] **and** preservation of records **by motor carriers of passengers**
11 **or property**; and to supervise and regulate every common or contract carrier **of passengers or**
12 **property** in these and all other matters affecting their relationship with the public;

13 (2) To inquire, for purposes of administration of the provisions of this chapter, into the
14 management of the business of motor carriers, and into the management of the business of
15 persons controlling, controlled by, or under common control with, motor carriers to the extent
16 that the business of such persons is related to the management of the business of one or more
17 motor carriers, and the division may require from such motor carriers or persons such
18 information as the division deems necessary to carry out the provisions of this chapter;

19 (3) To establish just and reasonable classifications of [types of] carriers [included in the
20 term "common carriers"] **of passengers or household goods** as the special nature of the services
21 performed by such carriers shall require; [including a separate classification for operations in
22 vehicles licensed for a gross weight of nine thousand pounds or less;] and by general order or
23 otherwise, establish such just and reasonable rules, regulations and requirements, consistent with
24 the provisions of this chapter to be observed by carriers so classified or grouped, as the division
25 deems necessary or desirable in the public interest;

26 (4) To define, but not reduce, by general order or otherwise, after hearing, the limits of
27 a commercial zone contiguous or adjacent to any point or municipality, giving due regard in
28 defining the commercial zone to that area which is adjacent to and commercially a part of the
29 point or municipality;

30 (5) To enforce wholly within terminals **of motor carriers and private carriers the**
31 **provisions of the federal motor carrier safety regulations within Parts 379 to 399 of Title**
32 **49, Code of Federal Regulations, the hazardous materials regulations within Parts 100 to**
33 **185 of Title 49, Code of Federal Regulations, and** the rules and regulations promulgated by
34 the director of the department of public safety [under] **pursuant to** section 307.400, RSMo, as
35 **such rules and regulations have been and may periodically be amended,** as they apply to
36 motor vehicles **and operators of motor vehicles designed or used to transport passengers or**
37 **property in intrastate or interstate commerce, subject to any exceptions stated in section**
38 **307.400, RSMo. Whenever the division enforces these regulations:**

39 (a) The term "commercial motor vehicle" shall include motor vehicles having a
40 capacity of more than five passengers, exclusive of the driver, and operated in intrastate
41 commerce;

42 (b) The term "special agent" as used in these regulations shall include the words
43 "enforcement personnel of the division of motor carrier and railroad safety";

44 (c) The term "Federal Highway Administration", "Federal Motor Carrier Safety
45 Administration", "United States Department of Transportation", or other designation for
46 a federal agency as used in these regulations shall include the words "division of motor
47 carrier and railroad safety"; and

48 (d) The terms "Federal Highway Administrator", "Regional Director of Motor
49 Carriers", "Secretary of Transportation", or other designation for a federal official as
50 used in these regulations shall include the words "director of the division of motor carrier
51 and railroad safety".

52 (6) A person who is not physically qualified to drive pursuant to the requirements
53 of Subpart E of Part 391 of Title 49, Code of Federal Regulations, but who is otherwise
54 qualified to drive a commercial motor vehicle upon the public highways of this state, may
55 drive a commercial motor vehicle in intrastate commerce upon public highways during any
56 period when the division of motor carrier and railroad safety has waived the physical
57 requirements not met by that person. Applications for a waiver of physical qualifications
58 for intrastate drivers, or for renewal of a waiver, shall be filed at the division's main office
59 in the form prescribed by the division. These proceedings shall otherwise substantially
60 follow the requirements of Section 391.49 of Title 49, Code of Federal Regulations, except
61 that:

62 (a) Whenever the term "**Regional Director, Motor Carrier Safety**" is used in
63 Section 391.49 of Title 49, Code of Federal Regulations, the words "**administrative law**
64 **judge of the division of motor carrier and railroad safety**" shall be substituted thereof; and

65 (b) The administrative law judge may modify or supplement the provisions of
66 Section 391.49 of Title 49, Code of Federal Regulations, by rule, or by orders in particular
67 cases, as necessary to promote compatibility of the waivers with intrastate transportation.

390.045. 1. Duly authorized enforcement personnel of the division may stop commercial
2 motor vehicles when there is a probable cause that the operator has violated, or is violating, any
3 part of this chapter, or the rules promulgated by the division of motor carrier and railroad safety.
4 Enforcement personnel may detain the vehicle and operator for a reasonable period of time to
5 determine if in fact the commercial motor vehicle is in violation of this chapter or the rules
6 promulgated by the division. Information obtained during a stop may be used to file a complaint
7 with the director of the division through the general counsel of the division of motor carrier and
8 railroad safety with an administrative law judge to ascertain the legality of the commercial motor
9 vehicle operation.

10 2. Vehicles operated by division of motor carrier and railroad safety enforcement
11 personnel shall be considered emergency vehicles as defined in section 304.022, RSMo.
12 Enforcement personnel of the division of motor carrier and railroad safety shall not have the right
13 to bear firearms. [Enforcement personnel shall be required to complete one hundred twenty
14 hours of basic law enforcement training as required of peace officers as specified in chapter 590,
15 RSMo.]

390.051. 1. Except as otherwise provided in section 390.030, **or subsection 2 of section**
2 **390.063**, no person shall engage in the business of a common carrier **of household goods or**
3 **passengers other than in charter service** in intrastate commerce on any public highway in this
4 state unless there is in force with respect to such carrier a certificate issued by the division
5 authorizing such operations.

6 2. Application for a certificate shall be made in writing to the division and shall contain
7 such information as the division shall, by rule, require and shall include:

8 (1) Full information concerning the ownership, financial condition of applicant,
9 equipment to be used and a statement listing the physical equipment of applicant and the
10 reasonable value thereof;

11 (2) The complete route or routes over which the applicant desires to operate, or territory
12 to be served;

13 (3) The proposed rates, schedule or schedules, or timetable of the applicant.

14 3. [Except as provided for in subsection 4 of this section, if the division finds that an
15 applicant seeking to transport general and specialized commodities in truckload lots, agricultural

16 commodities in bulk in dump trucks or passengers in charter service is fit, willing and able to
17 properly perform the service proposed and to conform to the provisions of this chapter and the
18 requirements, rules and regulations of the division established thereunder, a certificate therefor
19 shall be issued.

20 4.] If the division finds that an applicant seeking to transport[:

21 (1) General and specialized commodities in less-than-truckload lots;

22 (2) Commodities in bulk in dump trucks, other than agricultural commodities in bulk in
23 dump trucks, as defined in section 390.020;

24 (3) Mobile homes;

25 (4)] household goods[;

26 (5)] or passengers other than in charter service[;

27 (6) Gasoline, fuel oil or liquefied petroleum gas;

28 (7) Boats;],

29

30 is fit, willing and able to properly perform the service proposed, and to conform to the provisions
31 of this chapter and the [requirement] **requirements**, rules and regulations of the division, and
32 that the service proposed will serve a useful present or future public purpose, a certificate
33 therefor specifying the service authorized shall be issued, unless the division finds on the basis
34 of evidence presented by persons objecting to the issuance of a certificate that the transportation
35 to be authorized by the certificate will be inconsistent with the public convenience and necessity.

36 [5.] 4. In making findings [under] **pursuant to** subsection [4] 3 of this section, the
37 division shall consider the testimony of the applicant, the proposed users of the service
38 contemplated by the applicant, and any other relevant testimony or evidence, and the division
39 shall consider, and to the extent applicable, make findings on at least the following:

40 (1) The transportation policy of section 390.011; and

41 (2) The criteria set forth in this subsection.

42

43 In cases where persons object to the issuance of a certificate, the diversion of revenue or traffic
44 from existing carriers shall be considered.

45 [6.] 5. The division shall streamline and simplify to the maximum extent practicable the
46 process for issuance of certificates to which the provisions of this section apply.

47 [7.] 6. The division shall dismiss on its motion any application for substantially the same
48 common or contract authority that has been previously denied within six months of filing the
49 subsequent application.

390.061. 1. Except as otherwise provided in section 390.030 **or subsection 2 of section**
2 **390.063**, no person shall engage in the business of a contract carrier **of household goods or**

3 **passengers other than in charter service** in intrastate commerce on any public highway in this
4 state unless there is in force with respect to such carrier a permit issued by the division of motor
5 carrier and railroad safety authorizing such operations.

6 2. Applications for such permits shall be made to the division in writing and shall
7 contain such information as the division shall, by rule, require and shall include:

8 (1) Full information concerning the ownership, financial condition of applicant,
9 equipment to be used and a statement listing the physical equipment of applicant and the
10 reasonable value thereof;

11 (2) The complete route or routes over which the applicant desires to operate, or territory
12 to be served.

13 3. [If the division shall find that the applicant is seeking to transport general and
14 specialized commodities in truckload lots, agricultural commodities in bulk, or passengers in
15 charter service, and is fit, willing and able to properly perform the service proposed and to
16 conform to the provisions of this chapter and the requirements, rules and regulations of the
17 division thereunder, a permit therefor shall be issued.

18 4.] If the division finds that an applicant seeking to transport [commodities] **household**
19 **goods** or passengers [as described in subsection 4 of section 390.051] **other than in charter**
20 **service and** is fit, willing and able to properly perform the service proposed, and to conform to
21 the provisions of this chapter and the requirements, rules and regulations of the division, and that
22 the service proposed will serve a useful present or future purpose, a permit therefor specifying
23 the service authorized shall be issued, unless the division finds on the basis of evidence presented
24 by persons objecting to the issuance of a permit that the transportation to be authorized by the
25 permit will be inconsistent with the public convenience and necessity.

26 [5.] 4. Any permit issued [under] **pursuant to** this section shall specify the service to be
27 rendered, the contracting parties, and the points or area to be served.

28 [6.] 5. The division will not have jurisdiction over contract rates. A copy of the original
29 contract must be filed with the division prior to issuance of a permit. In the event the applicant
30 chooses not to disclose contract rates in the application, the contract shall contain in lieu of rates
31 a specific provision which incorporates by reference a schedule of rates, in writing, to be
32 effective between carrier and shipper. Current contracts and rate schedules must be maintained
33 by the carrier and contracting shippers. [A contract permit, authorizing the transportation of
34 commodities or passengers other than as described in subsection 4 of section 390.051, may be
35 amended to include additional contracting parties by the filing of said contracts with the division
36 and acknowledgment by the division.]

390.062. 1. The division, upon the filing of an application for a certificate [under
2 subsection 4 of] **pursuant to** section 390.051, a permit [under subsection 4 of] **pursuant to**

3 section 390.061, or the institution of a proceeding involving rate relief **for common carriers of**
4 **household goods or passengers other than in charter service**, except as provided in section
5 390.081, shall cause notice thereof to be published and served by the mailing of a notice register
6 showing the name and address of the party filing the pleading, the name and address of the
7 attorney, the division's docket number and a concise statement of the issues contained therein.
8 Any interested party may obtain a copy of the pleading upon request to the director of the
9 division.

10 2. Within fifteen days of the publication of **such** an application, or other proceeding, any
11 interested party may file a motion to intervene specifically setting forth its interest therein,
12 including a statement of its authority, and that it is providing service thereunder.

13 3. If the proceeding is unopposed, the division may, in its discretion, take evidence by
14 verified statement, and without hearing or other proceedings issue its final order.

15 4. If the proceeding is opposed, the division shall assign the matter for hearing to be held
16 no later than forty-five days after filing unless an applicant requests or consents to a continuance,
17 or in the alternative, may require the parties to adduce the evidence by verified statement and
18 assign the matter for hearing to resolve factual conflicts.

19 5. The division shall issue its final order granting or denying the relief sought in whole
20 or in part within ninety days after the submission of final arguments or else stand approved.

21 6. In the event the division shall designate an application as one of a complex nature
22 requiring a substantial record, the division may, upon making such written finding, extend the
23 period of time for issuing a decision an additional thirty days.

390.063. 1. As used in this chapter, the following terms mean:

2 (1) "Elderly", any person who is sixty years of age or older;

3 (2) "Handicapped", any person having a physical or mental condition, either permanent
4 or temporary, which would substantially impair ability to operate or utilize available
5 transportation; and

6 (3) "Urbanized area", an area so designated by the United States Bureau of Census as
7 provided [under] **pursuant to** Section [12(c)(11) of the Urban Mass Transportation Act of 1964,
8 as amended], **5302 of Title 49, U.S.C.**, and which has a population of more than fifty thousand
9 persons.

10 2. Notwithstanding any provisions of this chapter to the contrary, the division shall issue
11 a certificate or permit in accordance with the provisions of this section to a not-for-profit
12 corporation seeking to transport by motor vehicle, as a common carrier or contract carrier in
13 intrastate commerce, exclusively passengers other than in charter service who are:

14 (1) Elderly;

15 (2) Handicapped;

16 (3) Preschool disadvantaged children transported for the purpose of participating in a
17 federal Head Start program; or

18 (4) Transported in areas other than urbanized areas as defined in this section, for which
19 the motor carrier is authorized to be subsidized or reimbursed [under section 18 of the Urban
20 Mass Transportation Act of 1964, as amended, section 1614] **pursuant to Section 5311** of Title
21 49, United States Code, with federal funds administered by the Missouri transportation
22 department, except that priority shall be given to serving passengers who are elderly,
23 handicapped or preschool disadvantaged children under the certificate or permit issued [under]
24 **pursuant to** this section.

25 3. A not-for-profit corporation seeking a certificate or permit under this section shall
26 make a written application to the division, in the form and containing the information which the
27 division shall require by rule. The application shall include at least a complete description of the
28 routes or territory to be served, and a list of the equipment to be used by the applicant in
29 providing the proposed service. If the division finds that an applicant seeking to transport
30 passengers as described in subsection 2 of this section is willing and able to properly perform
31 the service proposed and to conform to the applicable provisions of this chapter, and the
32 applicable rules and orders of the division, a certificate or permit authorizing such transportation
33 shall be issued. The division may, by rule, make reasonable requirements to prevent the
34 unauthorized transportation of passengers other than as described in subsection 2 of this section,
35 by motor carriers to whom a certificate or permit is issued [under] **pursuant to** this section.

36 4. The division shall not have jurisdiction over the rates charged by motor carriers for
37 the transportation of passengers as described in subsection 2 of this section and provided under
38 the authority of a certificate or permit issued [under] **pursuant to** this section. Such motor
39 carriers shall not be required to file with the division or publish tariff schedules setting forth their
40 rates and charges for such transportation.

41 5. The provisions of section 390.136 shall not apply to motor vehicles exclusively used
42 to transport passengers as described in subsection 2 of this section under the authority of a
43 certificate or permit issued [under] **pursuant to** this section.

44 [6. Notwithstanding any provisions of subsection 3 of section 390.030 to the contrary,
45 it is unlawful for any person to operate any motor vehicle having a capacity of more than five
46 passengers, exclusive of the driver, in intrastate commerce or operate any motor vehicle designed
47 to transport more than fifteen passengers, including the driver, in interstate commerce, unless the
48 vehicle is equipped and operated as required by parts 390 through 397, Title 49, Code of Federal
49 Regulations, as those regulations have been and may periodically be amended. Those regulations
50 are hereby made applicable to all passenger-carrying motor vehicles having a capacity of more
51 than five passengers, exclusive of the driver, when operated in intrastate commerce, and to all

52 motor vehicles designed to transport more than fifteen passengers, including the driver, when
53 operated in interstate commerce, and the division shall have power and authority to enforce those
54 regulations wholly within terminals, as they apply to those motor vehicles and drivers.]

390.066. 1. Each person who applies for employment as a driver of a commercial motor
2 vehicle shall provide the employer at the time of the application with information of previous
3 employment as a commercial motor vehicle driver, as prescribed by the Secretary of
4 Transportation of the United States, for the ten years preceding the date of application.

5 2. Each employer shall require the information specified in subsection 1 of this section
6 and advise the applicant of the purpose of such information as prescribed by the Secretary of
7 Transportation of the United States.

8 3. No employer or shipper shall knowingly allow, permit, or authorize a driver to drive
9 a commercial motor vehicle in the United States during any period in which the driver has a
10 driver's license suspended, revoked, or canceled by a state, has lost the privilege to drive a
11 commercial motor vehicle in a state, or has been disqualified from driving a commercial motor
12 vehicle or is subject to an out-of-service order in any state, or in which the driver has more than
13 one driver's license. Any employer or shipper in violation of this subsection may be convicted
14 of a violation thereof and shall be guilty of a class A misdemeanor. [The Missouri division of
15 motor carrier and railroad safety shall annually perform financial audits and surveys of a
16 representative number of common carriers of commodities in bulk in dump trucks to determine
17 and set the minimum rate or charge reasonably required and necessary for these carriers to
18 maintain their equipment in a safe condition, to reasonably compensate drivers, so they may meet
19 and comply with state and federal requirements for safety, and to allow these carriers to
20 reasonably pay their other necessary operating expenses including all required taxes, licenses and
21 insurance. The provisions of this subsection relating to minimum rates shall not apply to
22 common carriers transporting bulk commodities in dump trucks on any shipment weighing forty
23 thousand pounds or more which is transported seventy-five miles or more from the point of
24 origin of the shipment. On shipments exempted from prescribed minimum rates under this
25 subsection, common carriers shall be subject to all other applicable laws, rules, regulations, and
26 orders and decisions of the division, including those relating to prescribed maximum rates.
27 Notwithstanding any other provision of law to the contrary, common carriers transporting
28 shipments exempted from prescribed minimum rates under this subsection shall not be required
29 to file and publish schedules showing the rates and charges for such transportation.]

390.081. 1. In order to provide motor carrier service for which there is an immediate and
2 urgent need from, to or between a point or points or within a territory having no carrier service
3 deemed capable of meeting such need, the division of motor carrier and railroad safety shall,
4 pending the [filing] **disposition** of an application for a certificate [under] **pursuant to** section

5 390.051, or a **permit pursuant to section 390.061**, without a hearing or other proceeding, grant
6 temporary authority for a period not exceeding ninety days for such service by a common carrier
7 or contract carrier, as the case may be. The issuance of such temporary authority shall create no
8 presumption that corresponding permanent authority will be granted therefor.

9 2. Such temporary authority shall be granted only upon the payment of such fees and
10 compliance with such rules, regulations and requirements as the division shall, by general order
11 establish for the administration of this section, and transportation service rendered under such
12 authority shall be subject to all applicable provisions of this chapter and to the rules, regulations
13 and requirements of the division established thereunder, that are not in conflict with this section.

14 **3. This section shall only apply to the transportation of household goods or**
15 **passengers other than in charter service.**

390.101. No common carrier authorized [under] **pursuant to** the provisions of this
2 chapter to operate within the state of Missouri shall abandon, discontinue, or fail to provide any
3 service established or authorized to be established under the provisions of this chapter, unless
4 such action is authorized by the division of motor carrier and railroad safety. **This section shall**
5 **only apply to the transportation of household goods or passengers other than in charter**
6 **service.**

[390.106. The division of motor carrier and railroad safety may at any time,
2 for good cause, suspend, and upon at least ten days' notice to the holder of any
3 certificate or permit, and after hearing, revoke, alter or amend any such certificate or
4 permit upon a finding:

- 5 (1) That the motor carrier has abandoned service;
6 (2) That the motor carrier does not give reasonable service based upon public
7 demand;
8 (3) That the motor carrier is not financially fit to continue service; or
9 (4) That the motor carrier has failed to comply with the provisions of this
10 chapter and the requirements, rules and regulations of the division of motor carrier
11 and railroad safety.

12 However, such motor carrier shall be given a reasonable time, in the discretion of the
13 division, not less, however, than thirty days, to comply with any orders issued by the
14 division pertaining thereto.]

390.111. 1. In the event a motor carrier, to which a certificate or permit shall have been
2 issued [under] **pursuant to** the provisions of **section 390.051 or section 390.061** [this chapter],
3 shall sell, transfer, or assign [the business, rights or assets of such motor carrier,] **such**
4 **certificate, permit**, or any part thereof, and [such] **the** motor carrier and the purchaser thereof
5 shall make proper application to the division in writing, containing such information as shall be
6 prescribed by the division by general order with respect to the transfer of certificates or permits,
7 the division shall transfer [such original] **such** certificate or permit [issued to such motor carrier],

8 or the part so sold to such purchaser, if the division shall determine that the purchaser is in all
9 respects qualified [under the provisions of this chapter] to conduct the business of a motor carrier
10 **of household goods or passengers other than in charter service** within the meaning of the
11 provisions of this chapter, and upon the transfer of such certificate or permit **or part thereof** it
12 shall be effective in like manner as though originally issued to such purchaser[]; provided,
13 however, the division shall not be required to transfer from a certificate authorizing the
14 transportation of general commodities or freight, any portion of such certificate authorizing the
15 transportation of a part of such general commodities or freight over the same route or within the
16 same territory, unless the division shall further determine, after hearing upon due notice, that
17 such transfer is consistent with the public interest].

18 2. When there is a consolidation of one or more certificates as the result of a transfer of
19 operating rights **pursuant to this section**, and when the division shall find that any through
20 service made possible thereby will be beneficial to the public, such through service may be
21 authorized.

390.116. 1. Common carriers of [property] **household goods** may establish reasonable
2 through routes and joint rates, charges and classifications with other such carriers or with
3 common carriers by railroad or express; and common carriers of passengers **other than in**
4 **charter service** may establish reasonable through routes and joint rates, fares or charges with
5 other such carriers or with common carriers by railroad. In case of such joint rates, fares, charges
6 or classifications, it shall be the duty of the **participating** carriers[, parties thereto,] to establish
7 just and reasonable regulations and practices in connection therewith, and just, reasonable and
8 equitable divisions thereof as between the carriers participating therein which shall not unduly
9 prefer or prejudice any of such participating carriers.

10 2. The division may, whenever deemed by it to be necessary or desirable in the public
11 interest, after hearing, upon complaint or upon its own motion, order the establishment of just
12 and reasonable through routes and joint rates, fares, charges, regulations or practices, applicable
13 to the transportation of passengers **other than in charter service** or [property] **household goods**
14 by common carriers.

390.121. Whenever, after hearing, upon complaint or in an investigation on its own
2 motion, the division shall be of the opinion that any individual or joint rate, fare or charge,
3 demanded, charged or collected by any common carrier by motor vehicle or by any common
4 carrier by motor vehicle in conjunction with any common carrier by railroad or express, for
5 transportation; or any classification, rule, regulation or practice whatsoever of such carrier or
6 carriers affecting such rate, fare or charge or the value of the service thereunder, is or will be
7 unjust or unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, it shall
8 determine and prescribe the lawful rate, fare or charge or maximum or minimum, or maximum

9 and minimum rates, fares or charges thereafter to be observed, or the lawful classifications, rules,
10 regulations or practices thereafter to be made effective. **This section shall only apply to the**
11 **transportation of household goods or passengers by common carrier.**

390.136. 1. [No motor carrier, except as provided in section 390.030, shall operate any
2 motor vehicle unless such vehicle shall be accompanied by an annual or seventy-two-hour
3 license issued by the motor carrier and railroad safety division of the department of economic
4 development provided that when a motor carrier uses a truck-tractor for pulling trailers or
5 semitrailers, such motor carrier may elect to license either the truck-tractor, trailer or semitrailer.
6 The fee for each such annual license shall be ten dollars and shall be due and payable on or
7 before the last day of February of each calendar year. Such annual license shall be issued after
8 October first of each year in such form and shall be used pursuant to such reasonable rules and
9 regulations as the division of motor carrier and railroad safety may, by general order or
10 otherwise, prescribe.

11 2. Any annual license issued to a motor carrier for use in driveaway operations, as
12 defined in this section, shall be issued to such motor carrier without reference to any particular
13 vehicle and may be used interchangeably by the holder thereof on any motor vehicle or
14 combinations thereof moving in driveaway operations under such carrier's certificate or permit.

15 3. In case of emergency, temporary, unusual or a peak demand for transportation,
16 additional vehicles as described in subsection 1 of this section may be operated upon issuance
17 by the division of a seventy-two-hour license for each vehicle so operated. The license fee for
18 each such additional vehicle shall be the sum of five dollars for each seventy-two consecutive
19 hours, or any portion thereof. Such licenses shall be issued in such form and shall be used
20 pursuant to such reasonable rules and regulations as the division may, by general order or
21 otherwise, prescribe. No such additional vehicle which has been licensed pursuant to this
22 subsection shall be operated without being accompanied by such license.

23 4. The division, upon the issuance of such license or licenses provided for in this section,
24 shall notify the director of revenue, who shall receive the license fee or fees and immediately
25 deposit the same with the state treasurer in the state highway department fund except when an
26 agreement has been negotiated with another jurisdiction whereby prepayment is not required.
27 In such cases, the term of the agreement shall prevail.

28 5. Any person operating as a motor carrier who violates or fails to comply with any of
29 the provisions of this section shall be adjudged guilty of a misdemeanor and, upon conviction
30 thereof, shall be punished by a fine of not more than one hundred dollars.

31 6. The provisions of this section shall become effective for the 1989 registration year,
32 and the regulatory fee may be paid at any state weigh station.] **Except as otherwise provided**
33 **in this section, section 390.030, or cooperative agreements or contracts made by the division**

34 pursuant to section 622.095, RSMo, no motor carrier shall operate a motor vehicle upon
35 any public highway unless the vehicle is accompanied by a valid annual or seventy-two
36 hour license issued by the division. If a motor carrier uses a truck-tractor for pulling
37 trailers or semitrailers, then the carrier may license either the truck-tractor, trailer or
38 semitrailer. A motor carrier may use any annual license interchangeably upon any motor
39 vehicle or combination of vehicles moving together in driveaway operations, under the
40 authority of the property carrier registration issued to that carrier by the division.

41 2. The annual license fee is ten dollars per vehicle. The seventy-two hour license
42 fee is five dollars per vehicle, for each seventy-two consecutive hours of any portion thereof
43 during which the license is in effect. License fees are payable at the division's main office,
44 and seventy-two hour license fees may be paid at any state weigh station. No license shall
45 be issued to a motor carrier before the license fee has been paid. License fees received
46 pursuant to this section shall be forwarded to the department of revenue, for deposit with
47 the state treasurer in the state highway department fund.

48 3. The division shall begin issuing annual licenses for each calendar year after July
49 thirty-first in the preceding year, but no annual license shall become valid before January
50 first of the year for which it is issued. Every annual license shall expire after December
51 thirty-first of the year for which it was issued.

52 4. Every motor carrier shall pay each year's annual license fees for all motor
53 vehicles operated by the carrier under the authority of the division, before January first
54 of that year, except if:

55 (1) A motor carrier initially places a vehicle in service during the calendar year,
56 then that year's full annual fee is due and payable before the carrier operates the vehicle
57 upon any public highway;

58 (2) A motor carrier operates a vehicle in intrastate commerce, or in interstate
59 commerce that is exempt from the single state tax registration system established pursuant
60 to Section 14505 of Title 49, U.S.C., pursuant to a valid seventy-two hour license issued by
61 the division, then the seventy-two hour license fee is due and payable before the carrier
62 operates the vehicle on any public highway;

63 (3) The motor carrier and vehicle qualify for exemption from the payment of
64 license fees to the division pursuant to a reciprocal agreement made in accordance with
65 section 622.150, RSMo, or section 386.210, RSMo; or

66 (4) Section 14505 of Title 49, U.S.C., preempts collection of the license fees.

67 5. Any person operating as a motor carrier who violates or fails to comply with any
68 of the provisions of this section is guilty of a class C misdemeanor.

69 6. The division may make and enforce reasonable requirements relating to license

70 **applications, and the issuance and use of licenses pursuant to this section. The division**
71 **may provide for the electronic processing of license applications and fees, and the**
72 **electronic issuance of annual licenses and seventy-two hour licenses, in lieu of the physical**
73 **issuance of licenses.**

390.146. The provisions of [chapters 386 and] **chapter 387**, RSMo, that are not
2 inconsistent with the provisions of [sections 390.011 to 390.176] **this chapter** are hereby made
3 applicable to motor carriers **of household goods or passengers other than in charter service.**

390.171. Every owner, officer, agent or employee of any motor carrier, and every other
2 person, who violates or fails to comply with or who procures, aids or abets in the violation of any
3 provision of this chapter, or who fails to obey, observe or comply with any order, decision, rule
4 or regulation, direction, demand or requirement of the division, or who procures, aids or abets
5 any person in his failure to obey, observe or comply with any such order, decision, rule,
6 direction, demand or regulation thereof is guilty of a **class A** misdemeanor.

390.250. 1. As used in sections 390.250 to 390.350, the following terms mean:

2 (1) **"Charter bus registration", a document issued by the division pursuant to**
3 **sections 390.250 to 390.350, or sections 622.600 to 622.620, RSMo, which identifies a person**
4 **as a registered charter bus and qualifies that person to engage in charter transportation**
5 **by a motor vehicle designed or used to transport seven or more passengers, including the**
6 **driver, of passengers for hire or compensation in intrastate commerce on the public**
7 **highways of this state;**

8 (2) **"Division", the division of motor carrier and railroad safety within the department**
9 **of economic development of this state[, which, after June 30, 1997, is known as the division of**
10 **motor carrier and railroad safety];**

11 [(2)] (3) **"Household goods", personal effects and property used or to be used in a**
12 **dwelling when part of the equipment or supplies of such dwelling and similar property, if the**
13 **transportation of such effects or property, is either arranged and paid for by the householder,**
14 **including transportation of property from a factory or store when the property is purchased by**
15 **the householder with intent to use in his or her dwelling, or arranged and paid for by another**
16 **party. The term "household goods" shall not include personal property which when tendered to**
17 **a motor carrier is crated or otherwise packaged to make it suitable for transportation by motor**
18 **carriers of general commodities, freight or property;**

19 [(3)] (4) **"Property carrier registration", a document issued by the division pursuant to**
20 **sections 390.250 to 390.350 which identifies a person as a registered property carrier and**
21 **qualifies that person to engage in the transportation by motor vehicle of property except**
22 **household goods for hire or compensation in intrastate commerce on the public highways in this**
23 **state;**

24 [(4)] (5) **"Registered charter bus", a person who is authorized by a charter bus**
25 **registration issued pursuant to the provisions of sections 390.250 to 390.350, or sections**
26 **622.600 to 622.620, RSMo, to engage in the charter transportation of passengers by a motor**
27 **vehicle designed or used to transport seven or more passengers, including the driver, for**
28 **hire or compensation in intrastate commerce on the public highways in this state. This**
29 **term is included with the term "common carrier" as defined in sections 390.020 and**
30 **622.100, RSMo;**

31 (6) "Registered property carrier", a person who is [entitled pursuant to] **authorized by**
32 **a property carrier registration, as defined in subdivision [(3)] (4) of this subsection, to engage**
33 **in the transportation by motor vehicle of property, except household goods, for hire or**
34 **compensation in intrastate commerce on the public highways in this state. This term is included**
35 **within the term "common carrier" as defined in section 390.020 and section 622.100, RSMo.**

36 2. Notwithstanding any provisions of section 390.020, or chapter 622, RSMo, to the
37 contrary, the provisions of this section which define words shall also apply to and determine the
38 meaning of all words used in this chapter and chapter 622, RSMo. Except as otherwise provided
39 in this section, or when the context clearly requires otherwise, the provisions of section 390.020,
40 and chapter 622, RSMo, which define words shall also apply to and determine the meaning of
41 words used in sections 390.250 to 390.350.

 390.270. 1. Except as otherwise provided in section 390.030, no person shall engage in
2 the business of transporting property, except household goods, by motor vehicle for hire or
3 compensation in intrastate commerce on any public highway in this state, unless there is in force
4 with respect to that person a property carrier registration issued by the division pursuant to the
5 provisions of sections [390.260] **390.250** to 390.350, which authorizes [such] **that**
6 transportation.

7 2. **Except as otherwise provided in section 390.030, no person shall engage in the**
8 **business of transporting passengers in charter service by motor vehicle for hire or**
9 **compensation in intrastate commerce on any public highway in this state, unless there is**
10 **in force with respect to that person a charter bus registration issued by the division**
11 **pursuant to the provisions of sections 390.250 to 390.350, which authorizes that**
12 **transportation.**

 390.290. 1. Every application for a property carrier registration **or charter bus**
2 **registration** pursuant to sections 390.250 to 390.350 shall be completed and filed in the form
3 and manner prescribed by rule of the division, shall be verified by the applicant under penalty
4 of perjury and shall not be filed by the division until it has received the following:

5 (1) A certificate of insurance or surety bond executed by the applicant's insurer or surety,
6 or order of the division approving self-insurance by the applicant, which certifies that the

7 applicant is covered against personal injury and property damage liability, except damage to
8 property transported as cargo by the applicant, resulting from negligent motor vehicle operations
9 by the applicant in this state, which is completed and filed in the prescribed form, manner and
10 amount and is approved by the division in accordance with rules of the division pursuant to
11 section 390.126;

12 (2) A license fee application showing the number and type of vehicle licenses requested
13 by the applicant for each motor vehicle to be operated in intrastate commerce in this state [under]
14 **pursuant to** the requested property carrier registration **or charter bus registration** during the
15 year for which the application is made, together with payment of the aggregate license fees
16 payable with reference to those motor vehicles, which is completed, filed and paid in the form
17 and manner prescribed by rule of the division pursuant to section 390.136; [and]

18 (3) Information required by rule of the division relating to the applicant's compliance and
19 willingness to comply with any laws, rules, regulations or orders relating to registration,
20 licensing, liability insurance or safety, and applicable to the applicant's motor vehicles, drivers
21 or operations by motor vehicle, including any state or federal laws, rules, regulations or orders
22 relating to the transportation of any hazardous material as designated in Title 49, Code of Federal
23 Regulations; **and**

24 (4) **Every application for a registered charter bus shall include a complete**
25 **statement of the applicant's initial rates and charges for the proposed charter**
26 **transportation, and a list of the equipment to be used in providing that transportation.**
27 **The division may prescribe the forms to be used for these documents.**

28 2. One of the division's administrative law judges shall determine on the basis of the
29 information filed by the applicant, evidence submitted by the division staff, and any other
30 information received by the division and filed of record in the case, whether the applicant is in
31 compliance and willing to comply with the laws, rules, regulations and orders relating to
32 registration, licensing, liability insurance, safety and hazardous materials, which are applicable
33 to the applicant's motor vehicles, drivers or operations as a registered property carrier by motor
34 vehicle **or registered charter bus**. If the administrative law judge determines that the applicant
35 is qualified, the application shall be granted and a property carrier registration **or charter bus**
36 **registration** shall be issued without a hearing. If the administrative law judge determines that
37 the information on record concerning the applicant's qualifications is not adequate to finally
38 determine the application, the division may investigate the applicant's qualifications more
39 thoroughly before the administrative law judge makes a final determination of the application.
40 If the administrative law judge or the division staff opposes the issuance of a property carrier
41 registration **or charter bus registration**, then a hearing shall be held, not more than twenty days
42 after a request for hearing by the applicant, to determine the merits of the application and

43 whether a property carrier registration **or charter bus registration** shall be issued. The
44 administrative law judge shall determine the application not more than forty-five days after the
45 close of the hearing, or else the application shall be approved.

46 3. The division shall not restrict the property carrier registration **or charter bus**
47 **registration** with reference to any specific commodities, routes or service, except that the
48 **charter bus registration shall not authorize any transportation of passengers other than**
49 **in charter service, and the** division shall restrict the applicant's property carrier registration
50 against the transportation of household goods, and shall further restrict against any hazardous
51 material as designated in Title 49, Code of Federal Regulations, if the division finds that the
52 applicant has not shown it is qualified to safely transport that hazardous material in compliance
53 with all registration, liability insurance and safety requirements applicable to the transportation
54 of that hazardous material pursuant to Title 49, Code of Federal Regulations.

390.300. 1. A property carrier registration **or charter bus registration**, including any
2 certificate or permit, or both, which pursuant to section 390.280 is deemed to identify a
3 registered property carrier, may be transferred in its entirety by the registered property carrier **or**
4 **registered charter bus** to whom it was issued, but only if the transfer is approved by the
5 division as provided in this section. The division shall approve the transfer of the property
6 carrier registration **or charter bus registration** if the following requirements are met:

7 (1) The transfer application is joined in by both the registered property carrier,
8 **registered charter bus**, or its authorized representative, and the proposed transferee or its
9 authorized representative;

10 (2) The transfer application is filed in the form and manner prescribed by rule of the
11 division; and

12 (3) The division finds that the transferee is in all respects qualified as required of an
13 applicant for a new property carrier registration **or charter bus registration** pursuant to section
14 390.290.

15 2. Upon approval of the transfer of a property carrier registration **or charter bus**
16 **registration** pursuant to subsection 1 of this section, the division shall transfer the property
17 carrier registration **or charter bus registration** in its entirety, except that the division shall
18 restrict the transferee's property carrier registration against the transportation of any hazardous
19 material formerly authorized under the property carrier registration if the division finds that the
20 transferee has not shown it is qualified to safely transport that hazardous material in compliance
21 with all registration, liability insurance and safety requirements applicable to the transportation
22 of that hazardous material pursuant to Title 49, Code of Federal Regulations. The transferee may
23 file a separate application for property carrier registration pursuant to section 390.290 to
24 transport additional hazardous materials.

390.310. [Notwithstanding any provisions of section 390.106, to the contrary,] The
2 division at any time, for good cause, may suspend a certificate, permit [or], property carrier
3 registration, **or charter bus registration**, and after hearing upon at least ten days' notice to the
4 person to whom the division has issued the certificate, permit, or property carrier registration **or**
5 **charter bus registration** authorizing any intrastate **or interstate** transportation of passengers
6 or property by motor vehicle, may revoke, alter or amend any such certificate, permit [or],
7 property carrier registration **or charter bus registration** upon a finding that the person has failed
8 to comply with any applicable provisions of [sections 390.250 to 390.350,] **this chapter** or
9 chapter 386, 387, 389 or 622, RSMo, or any safety rules, regulations or orders which may be
10 enforced by the division. Revocation of a certificate, permit [or], property carrier registration
11 **or charter bus registration** shall not become effective less than thirty days after issuance of an
12 order of revocation by the division.

622.095. 1. In addition to its other powers, the division of motor carrier and railroad
2 safety may negotiate and enter into:
3 **(1)** Fair and equitable cooperative agreements or contracts with other states, the District
4 of Columbia, territories and possessions of the United States, foreign countries, and any of their
5 officials, agents or instrumentalities, to promote cooperative action and mutual assistance
6 between the participating jurisdictions with regard to the uniform administration and registration,
7 through a single base jurisdiction for each registrant, of [interstate commerce commission]
8 **federal** operating authority and exempt operations by motor [vehicles operated] **carriers** in
9 interstate commerce. Notwithstanding any other provision of law to the contrary, and in
10 accordance with the provisions of such agreements or contracts between participating
11 jurisdictions, the division may:

12 **[(1)] (a)** Delegate to other participating jurisdictions the authority and responsibility to
13 collect and pay over to the division statutory registration, administration or license fees; to
14 receive, approve and maintain the required proof of public liability insurance coverage; to
15 receive, process, maintain and transmit registration information and documentation; to issue
16 evidence of proper registration in lieu of interstate permits [under] **pursuant to** section 390.071,
17 RSMo; to issue motor vehicle licenses or identifiers in lieu of annual licenses [under] **pursuant**
18 **to** section 390.136, RSMo; and to suspend or revoke any approval, registration, license or
19 identifier referred to in this section, as agents on behalf of the division with regard to motor
20 vehicle operations by persons having a base jurisdiction other than this state;

21 **[(2)] (b)** Assume the authority and responsibility on behalf of other jurisdictions
22 participating in such agreements or contracts to collect and direct the department of revenue to
23 pay over to the appropriate jurisdictions statutory registration, administration or license fees, and
24 to perform all other activities described in [subdivision (1) of this subsection] **paragraph (a) of**

25 **this subdivision**, on its own behalf or as an agent on behalf of other participating jurisdictions,
26 with regard to motor vehicle operations in interstate commerce by persons having this state as
27 their base jurisdiction;

28 [(3)] (c) Establish or modify dates for the payment of fees and the issuance of annual
29 motor vehicle licenses or identifiers in conformity with such agreements or contracts,
30 notwithstanding any provisions of section 390.136, RSMo, to the contrary; and

31 [(4)] (d) Modify, cancel or terminate any of the agreements or contracts;

32 (2) **Agreements or contracts to participate in the single, federal, on-line registration**
33 **system as proposed by congress for interstate motor carriers and private carriers, carry**
34 **out the requirements of such cooperative agreements or contracts with the United States**
35 **or its agencies, as well as other states, the District of Columbia, territories and possessions**
36 **of the United States, foreign countries, and any of their officials, agents or**
37 **instrumentalities. The director of the division may adopt rules implementing such**
38 **cooperative arrangements with such other jurisdictions. The division may, by rule or**
39 **agreement, waive requirements for the issuance and display of vehicle licenses, identifiers**
40 **or other credentials in accordance with this federal system, for motor vehicles operating**
41 **in interstate or intrastate transportation within the state.**

42 2. Notwithstanding the provisions of section 390.136, RSMo, statutory registration,
43 administration or license fees collected by the division on behalf of other jurisdictions [under]
44 **pursuant to** such agreements or contracts are hereby designated as "nonstate funds" within the
45 meaning of section 15, article IV, Constitution of Missouri, and shall be immediately transmitted
46 to the department of revenue of the state for deposit to the credit of a special fund which is
47 hereby created and designated as the "Base State Registration Fund". The division shall not less
48 frequently than once each month direct the payment of, and the director of revenue shall pay, the
49 fees so collected to the appropriate other jurisdictions. All income derived from the investment
50 of the base state registration fund by the director of revenue shall be credited to the highway
51 department fund.

52 3. "Base jurisdiction", as used in this section, means the jurisdiction participating in such
53 agreements or contracts where the registrant has its principal place of business.

54 4. Every person who has properly registered [his interstate commerce commission]
55 **federal** operating authority or exempt operations with [his] **such person's** base jurisdiction and
56 maintains such registration in force in accordance with such agreements or contracts is
57 authorized to operate in interstate commerce within this state any motor vehicle which is
58 accompanied by a valid annual license or identifier issued by [his] **such person's** base
59 jurisdiction in accordance with such agreements or contracts, notwithstanding any provision of
60 section 390.071, 390.126 or 390.136, RSMo, or rules of the division to the contrary.

622.400. 1. No information furnished to the division or the division staff by a carrier, corporation or person, except such matters as are specifically required to be open to public inspection by the provisions of this chapter, shall be open to public inspection or made public except on order of the division or by an administrative law judge in the course of a hearing or proceeding. Any officer or employee of the division who, in violation of the provisions of this section, divulges any such information shall be guilty of a **class A** misdemeanor.

2. **Except when otherwise ordered by the division director, authorized division personnel may provide access to closed records or confidential information relating to the safety of motor carriers, private carriers, and the vehicles and drivers used by them, to other state, federal or provincial law enforcement or regulatory agencies to assist in their enforcement of the transportation laws, and shall be authorized to receive such records and information from those agencies or officers, including information concerning alcohol and controlled substances testing of drivers of commercial motor vehicles, and the collective and individual results of those tests. Sharing of closed records or confidential safety information between these public agencies or officers as provided in this section shall not constitute any violation of subsection 1 of this section, and shall not cause the shared information to become open to public inspection. Every public official that receives closed records or confidential safety information pursuant to this section shall keep the records or information closed and confidential to the same extent as required of any officer or employee of the division of motor carrier and railroad safety pursuant to subsection 1 of this section, and the division may require officials to certify that they will comply with the provisions of subsection 1 with reference to the shared records or information.**

622.490. Every officer, agent or employee of any carrier, corporation or person who violates or fails to comply with, or who procures, aids or abets any violation by any carrier, corporation or person of any provision of the constitution of this state or of this or any other law, or who fails to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof, of the division, or who procures, aids or abets any carrier, corporation or person in their or its failure to obey, observe and comply with any such order, decision, decree, rule, direction, demand or requirement, or any part or provision thereof, in a case in which a penalty has not been provided for such officer, agent or employee, is guilty of a **class A** misdemeanor [and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment].

622.600. 1. As used in sections 622.600 to 622.620, the following terms mean:

(1) **"Charter bus registration", a document issued by the division pursuant to sections 390.250 to 390.350, RSMo, or sections 622.600 to 622.620 which identifies a person**

4 **as a registered charter bus and qualifies that person to engage in the charter**
5 **transportation by a motor vehicle designed or used to transport seven or more passengers,**
6 **including the driver, for hire or compensation in intrastate commerce on the public**
7 **highways in this state;**

8 (2) "Division", the division of transportation within the department of economic
9 development of this state[, which, after June 30, 1997, is known as the "division of motor carrier
10 and railroad safety"];

11 [(2)] (3) "Household goods", personal effects and property used or to be used in a
12 dwelling when part of the equipment or supplies of such dwelling and similar property, if the
13 transportation of such effects or property, is either arranged and paid for by the householder,
14 including transportation of property from a factory or store when the property is purchased by
15 the householder with intent to use in his or her dwelling, or arranged and paid for by another
16 party. The term "household goods" shall not include personal property which when tendered to
17 a motor carrier is crated or otherwise packaged to make it suitable for transportation by motor
18 carriers of general commodities, freight or property;

19 [(3)] (4) "Property carrier registration", a document issued by the division pursuant to
20 sections 622.600 to 622.620 which identifies a person as a registered property carrier and
21 qualifies that person to engage in the transportation by motor vehicle of property except
22 household goods for hire or compensation in intrastate commerce on the public highways in this
23 state;

24 [(4)] (5) **"Registered charter bus", a person who is entitled pursuant to sections**
25 **390.250 to 390.350, RSMo, or sections 622.600 to 622.620 to engage in the charter**
26 **transportation of passengers by a motor vehicle designed or used to transport seven or**
27 **more passengers, including the driver, for hire or compensation in intrastate commerce on**
28 **the public highways in this state;**

29 (6) "Registered property carrier", a person who is entitled pursuant to subdivision [(3)]
30 (4) of this subsection to engage in the transportation by motor vehicle of property, except
31 household goods, for hire or compensation in intrastate commerce on the public highways in this
32 state. This term is included within the term "common carrier" as defined in section 390.020,
33 RSMo.

34 2. Notwithstanding any provisions of section 390.020, RSMo, or this chapter, to the
35 contrary, the provisions of this section which define words shall also apply to and determine the
36 meaning of all words used in chapter 390, RSMo, and this chapter. Except as otherwise
37 provided in this section, or when the context clearly requires otherwise, the provisions of section
38 390.020, RSMo, and this chapter, which define words shall also apply to and determine the
39 meaning of words used in sections 622.600 to 622.620.

622.604. 1. Except as otherwise provided in section 390.030, RSMo, no person shall engage in the business of transporting property, except household goods, by motor vehicle for hire or compensation in intrastate commerce on any public highway in this state, unless there is in force with respect to that person a property carrier registration issued by the division pursuant to the provisions of sections 622.600 to 622.620, which authorizes such transportation.

2. Except as otherwise provided in section 390.030, RSMo, no person shall engage in the business of transporting passengers in charter service by motor vehicle for hire or compensation in intrastate commerce on any public highway in this state, unless there is in force with respect to that person a charter bus registration issued by the division pursuant to the provisions of sections 622.600 to 622.620, which authorizes that transportation.

622.608. 1. Every application for a property carrier registration **or charter bus registration** pursuant to sections 622.600 to 622.620 shall be completed and filed in the form and manner prescribed by rule of the division, shall be verified by the applicant under penalty of perjury and shall not be filed by the division until it has received the following:

(1) A certificate of insurance or surety bond executed by the applicant's insurer or surety, or order of the division approving self-insurance by the applicant, which certifies that the applicant is covered against personal injury and property damage liability, except damage to property transported as cargo by the applicant, resulting from negligent motor vehicle operations by the applicant in this state, which is completed and filed in the prescribed form, manner and amount and is approved by the division in accordance with rules of the division pursuant to section 390.126, RSMo;

(2) A license fee application showing the number and type of vehicle licenses requested by the applicant for each motor vehicle to be operated in intrastate commerce in this state [under] **pursuant to** the requested property carrier registration **or charter bus registration** during the year for which the application is made, together with payment of the aggregate license fees payable with reference to those motor vehicles, which is completed, filed and paid in the form and manner prescribed by rule of the division pursuant to section 390.136, RSMo; [and]

(3) Information required by rule of the division relating to the applicant's compliance and willingness to comply with any laws, rules, regulations or orders relating to registration, licensing, liability insurance or safety, and applicable to the applicant's motor vehicles, drivers or operations by motor vehicle, including any state or federal laws, rules, regulations or orders relating to the transportation of any hazardous material as designated in Title 49, Code of Federal Regulations; **and**

(4) **Every application for a registered charter bus shall include a complete statement of the applicant's initial rates and charges for the proposed charter**

26 **transportation, and a list of the equipment to be used in providing that transportation.**
27 **The division may prescribe the forms to be used for these documents.**

28 2. One of the division's administrative law judges shall determine on the basis of the
29 information filed by the applicant, evidence submitted by the division staff, and any other
30 information received by the division and filed of record in the case, whether the applicant is in
31 compliance and willing to comply with the laws, rules, regulations and orders relating to
32 registration, licensing, liability insurance, safety and hazardous materials, which are applicable
33 to the applicant's motor vehicles, drivers or operations as a registered property carrier by motor
34 vehicle **or registered charter bus**. If the administrative law judge determines that the applicant
35 is qualified, the application shall be granted and a property carrier registration **or charter bus**
36 **registration** shall be issued without a hearing. If the administrative law judge determines that
37 the information on record concerning the applicant's qualifications is not adequate to finally
38 determine the application, the division may investigate the applicant's qualifications more
39 thoroughly before the administrative law judge makes a final determination of the application.
40 If the administrative law judge or the division staff opposes the issuance of a property carrier
41 registration **or charter bus registration**, then a hearing shall be held, not more than twenty days
42 after a request for hearing by the applicant, to determine the merits of the application and
43 whether a property carrier registration **or charter bus registration** shall be issued. The
44 administrative law judge shall determine the application not more than forty-five days after the
45 close of the hearing, or else the application shall be approved.

46 3. The division shall not restrict the property carrier registration with reference to any
47 specific commodities, routes or service, except that the **charter bus registration shall not**
48 **authorize any transportation of passengers other than in charter service, and the** division
49 shall restrict the applicant's property carrier registration against the transportation of household
50 goods, and shall further restrict against any hazardous material as designated in Title 49, Code
51 of Federal Regulations, if the division finds that the applicant has not shown it is qualified to
52 safely transport that hazardous material in compliance with all registration, liability insurance
53 and safety requirements applicable to the transportation of that hazardous material pursuant to
54 Title 49, Code of Federal Regulations.

622.610. 1. A property carrier registration **or charter bus registration**, including any
2 certificate or permit, or both, which pursuant to section 622.606 is deemed to identify a
3 registered property carrier **or registered charter bus**, may be transferred in its entirety by the
4 registered property carrier **or registered charter bus** to whom it was issued, but only if the
5 transfer is approved by the division as provided in this section. The division shall approve the
6 transfer of the property carrier registration **or charter bus registration** if the following
7 requirements are met:

8 (1) The transfer application is joined in by both the registered property carrier **or**
9 **registered charter bus** or its authorized representative and the proposed transferee or its
10 authorized representative;

11 (2) The transfer application is filed in the form and manner prescribed by rule of the
12 division; and

13 (3) The division finds that the transferee is in all respects qualified as required of an
14 applicant for a new property carrier registration **or registered charter bus registration** pursuant
15 to section 622.608.

16 2. Upon approval of the transfer of a property carrier registration **or charter bus**
17 **registration** pursuant to subsection 1 of this section, the division shall transfer the property
18 carrier registration **or charter bus registration** in its entirety, except that the division shall
19 restrict the transferee's property carrier registration against the transportation of any hazardous
20 material formerly authorized under the property carrier registration if the division finds that the
21 transferee has not shown it is qualified to safely transport that hazardous material in compliance
22 with all registration, liability insurance and safety requirements applicable to the transportation
23 of that hazardous material pursuant to Title 49, Code of Federal Regulations. The transferee may
24 file a separate application for property carrier registration pursuant to section 622.608 to
25 transport additional hazardous materials.

622.612. [Notwithstanding any provisions of section 390.106, RSMo, to the contrary,]
2 The division at any time, for good cause, may suspend a certificate, permit or property carrier
3 registration **or charter bus registration**, and after hearing upon at least ten days' notice to the
4 person to whom the division has issued the certificate, permit or property carrier registration **or**
5 **charter bus registration** authorizing any intrastate **or interstate** transportation of passengers
6 or property by motor vehicle, may revoke, alter or amend any such certificate, permit [or],
7 property carrier registration **or charter bus registration**, upon a finding that the person has
8 failed to comply with any applicable provisions of [sections 622.600 to 622.620, or] chapter 386,
9 387 [or], 389 **or 390**, RSMo, or this chapter, or any safety rules, regulations or orders which may
10 be enforced by the division. Revocation of a certificate, permit [or], property carrier registration
11 **or charter bus registration** shall not become effective less than thirty days after issuance of an
12 order of revocation by the division.

622.617. [Notwithstanding any provisions of section 386.480, RSMo, to the contrary,]
2 No information furnished to the division by a [motor] **common** carrier, corporation or person,
3 including the division staff, except such matters as are specifically required to be open to public
4 inspection by the provisions of chapter [386,] 387 or 390, RSMo, or this chapter, shall be open
5 to public inspection or made public except on order of the division director or by an
6 administrative law judge in the course of a hearing or proceeding. Any **present or former**

7 officer or employee of the division who, in violation of the provisions of this section, divulges
8 any such information is guilty of a **class C** misdemeanor, **and may be prosecuted by the**
9 **division's general counsel, pursuant to the provisions of this chapter, for civil penalties,**
10 **injunctions, or both, for any violation of this section.**