

FIRST REGULAR SESSION

HOUSE BILL NO. 727

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CRAWFORD AND VIEBROCK (Co-sponsors).

Read 1st time April 3, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2157L.011

AN ACT

To repeal sections 324.700, 324.703, 324.706, 324.709, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739, 324.742, 324.745, RSMo, and section 324.712, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, and section 324.712 as enacted by senate committee substitute for senate bill no. 317, ninety-first general assembly, first regular session and to enact in lieu thereof sixteen new sections relating to housemovers, with penalty provisions.

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

Section A. Sections 324.700, 324.703, 324.706, 324.709, 324.715, 324.718, 324.721, 324.724, 324.727, 324.730, 324.733, 324.736, 324.739, 324.742, 324.745, RSMo, and section 324.712, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 567, ninety-first general assembly, first regular session, and section 324.712 as enacted by senate committee substitute for senate bill no. 317, ninety-first general assembly, first regular session, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 308.025, 308.500, 308.505, 308.510, 308.515, 308.520, 308.525, 308.530, 308.535, 308.540, 308.545, 308.550, 308.560, 308.565, 308.570, and 308.575, RSMo, to read as follows:

[324.700] **308.025**. As used in sections [324.700 to 324.745] **308.500 to 308.575**, unless the context provides otherwise, [the following terms shall mean:

(1) "Division", the division of motor carrier and railroad safety;

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

4 (2) "House", a dwelling or other structure intended for human habitat in excess of
5 fourteen feet in width. A house does not include a manufactured home as defined in section
6 700.010, RSMo, or a modular unit;

7 (3) "Housemover", a person actively engaged on a full-time basis in the intrastate
8 movement of houses on public roads and highways of this state;

9 (4) "Housemoving", engaging actively and directly on a full-time basis in the intrastate
10 movement of houses on public roads and highways of this state;

11 (5) "Person", an individual, corporation, partnership, association or any other business
12 entity] **"house" means a dwelling or other structure intended for human habitat in excess**
13 **of fourteen feet in width. A house does not include a manufactured home as defined in**
14 **section 700.010, RSMo, or a modular unit.**

[324.703] **308.500.** All persons who engage in [the business of housemoving on the
2 roads and highways of] **moving a house upon or across any public street, road, or highway**
3 **in** this state shall [be licensed] **have a valid housemover license issued** by the [division of
4 motor carrier and railroad safety] **state highways and transportation commission.**

[324.706] **308.505.** The [division] **state highways and transportation commission**
2 shall issue licenses to applicants meeting the following conditions:

3 (1) The applicant must be at least [eighteen] **twenty-one** years of age, possess a valid
4 **class A** commercial driver's license and have at least twenty-four months' experience in moving
5 houses;

6 (2) The applicant must furnish proof that all of the vehicles to be used in the movement
7 of houses have met the requirements of sections 307.350 to 307.400, RSMo, or its equivalent
8 pertaining to the inspection of motor vehicles;

9 (3) The applicant must exhibit [his] **the applicant's** federal employer's identification
10 number; and

11 (4) The applicant must pay an annual license fee of one hundred dollars. All moneys
12 received for housemover licenses shall be paid to [and], collected by [the division of motor
13 carrier and railroad safety and transmitted to the director of revenue], and deposited in the state
14 treasury **by the highways and transportation commission** to the credit of the state highways
15 and transportation **department** fund as established in section 226.200, RSMo.

[324.709] **308.510.** A **housemover** license issued pursuant to sections [324.700 to
2 327.742] **308.500 to 308.575**, shall be effective for a period of one year from the date of issuance
3 and shall be renewable on an annual basis.

[324.712] **308.515.** 1. No **housemover** license shall be issued or renewed unless the
2 applicant files [with the division] a certificate or certificates of insurance from an insurance
3 company or companies authorized to do business in this state. The applicant must demonstrate

4 that he or she has:

5 (1) Motor vehicle insurance for bodily injury to or death of one or more persons in any
6 one accident and for injury or destruction of property of others in any one accident with
7 minimum coverage [of] **in an amount established by the state highways and transportation**
8 **commission by rule, but not less than** five hundred thousand dollars;

9 (2) Comprehensive general liability insurance with [a] minimum coverage [of] **in an**
10 **amount established by the state highways and transportation commission by rule, but not**
11 **less than** two million dollars, including coverage of operations on **the** state [streets and
12 highways] **highway system** that are not covered by motor vehicle insurance; and

13 (3) Workers' compensation insurance that complies with chapter 287, RSMo, for all
14 employees.

15 2. The certificate or certificates shall provide for continuous coverage during the
16 effective period of the license issued pursuant to this section. At the time the certificate is filed,
17 the applicant shall also file with the [division] **highways and transportation commission** a
18 current list of all motor vehicles covered by the certificate. The applicant shall file amendments
19 to the list within fifteen days of any changes.

20 3. An insurance company issuing any insurance policy required by this section shall
21 notify the [division] **highways and transportation commission** of any of the following events
22 at least thirty days before its occurrence:

23 (1) Cancellation of the policy;

24 (2) Nonrenewal of the policy by the company; or

25 (3) Any change in the policy.

26 4. In addition to all coverages required by this section, the applicant shall file with the
27 [division] **highways and transportation commission** a copy of [either:

28 (1)] a bond or other acceptable surety **or insurance** providing coverage in the amount
29 of [fifty] **one hundred** thousand dollars for the benefit of a person contracting with the
30 housemover to move that person's house for all claims **of the person who owns the house** for
31 property damage arising from the movement of a house[]; or

32 (2) A policy of cargo insurance in the amount of one hundred thousand dollars].

[324.715] **308.520.** 1. Persons licensed as housemovers shall also be required to secure
2 a special permit[,] as provided [for pursuant to section 304.200, RSMo,] from the chief engineer
3 of the department of transportation for every move undertaken on the state highway system. The
4 permit shall be issued by the chief engineer if the chief engineer determines that the applicant:

5 (1) Is properly licensed pursuant to sections [324.700 to 324.745] **308.500 to 308.575;**

6 (2) Has furnished the surety bond or policy of [cargo] insurance required by [subsection
7 4 of section 324.712] **section 308.515;** and

8 (3) Is complying with such other regulations as required [by the division of motor carrier
9 and railroad safety].

10 2. A **housemover** license shall not be required for individuals moving their own houses
11 from or to property owned individually by those persons; however, a special permit will be
12 required for all moves.

13 3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other
14 divided highways. Licensed housemovers shall provide two escorts on all multilane and
15 two-lane highways, one in front and one rear.

[324.718] **308.525.** 1. Application for a special permit to move a house must be made
2 to the [chief engineer of the] department of transportation at least two [days] **weeks** prior to the
3 date of the move. For good cause shown, this time may be waived by the chief engineer.

4 2. A travel plan shall accompany the application for the special permit. The travel plan
5 will show the proposed route, the time estimated for each segment of the move, and a plan to
6 handle traffic so that no one delay to other highway users shall exceed twenty minutes. The chief
7 engineer shall review the travel plan and if the route cannot accommodate the move due to
8 roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic
9 flow, the special permit shall not be issued.

10 3. The applicant may submit alternate plans if desired until an acceptable route is
11 determined. If the width of the house to be relocated is more than thirty-six feet, or if no
12 acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the
13 application and travel plan may be submitted to the chief engineer on appeal. After reviewing
14 the route and travel plan, the chief engineer may in his or her discretion issue the permit after
15 considering the practical physical limitations of the route, the nature and purpose of the move,
16 the size and weight of the house, the distance the house is to be moved, and the safety and
17 convenience of the traveling public. A surety bond in the amount to cover the cost of any
18 damage to the pavement, structures, bridges, roadway or other damages that may occur may be
19 required if deemed necessary by the chief engineer. **The chief engineer may, in his or her**
20 **discretion, waive the requirement to stop at a weigh station as required by section 304.235,**
21 **RSMo, for a housemover, licensed pursuant to this section, moving a house on a trip-by-**
22 **trip basis.**

[324.721] **308.530.** All obstructions, including traffic signals, signs, and utility lines will
2 be removed immediately prior to and replaced immediately after the move at the expense of the
3 housemover, provided that arrangements for and approval from the owner are obtained.

[324.724] **308.535. In case of emergency only,** irrespective of the route shown on the
2 special permit, an alternate route [will] **may** be followed[:

3 (1)] if directed by a peace officer[;

4 (2) If directed by a uniformed officer assigned to a weighing station to follow a route to
5 a weighing device; or

6 (3) If the specified route is officially detoured. Should a detour be encountered, the
7 driver shall check with the department of transportation prior to proceeding] **who has been**
8 **certified by the director of the department of public safety pursuant to the provisions of**
9 **sections 590.100 to 590.180, RSMo, or by the chief engineer of the department of**
10 **transportation.**

[324.727] **308.540.** The house to be transported will not be loaded, unloaded, nor parked,
2 day or night, on a highway right-of-way without specific permission from the director.

[324.730] **308.545.** No move will be made when atmospheric conditions render visibility
2 lower than safe for travel. Moves will not be made when highways are covered with snow or ice,
3 or at any time travel conditions are considered unsafe by the director or highway patrol or other
4 law enforcement officers having jurisdiction.

[324.733] **308.550.** The [permit may be voided] **chief engineer, a peace officer, or a**
2 **commercial motor vehicle enforcement officer or inspector may void a permit,** if any
3 conditions of the permit are violated **or if any person misrepresented any information on the**
4 **application to obtain a license or permit, or altered or fraudulently obtained a license or**
5 **permit, or used a license or permit without lawful authorization.** [Upon any violation,] **If**
6 **the permit [must] is voided, it shall be surrendered [and] to the officer or chief engineer, and**
7 **the housemover shall obtain** a new permit [obtained] before proceeding. [Misrepresentation
8 of information on an application to obtain a license, fraudulently obtaining a permit, alteration
9 of a permit, or unauthorized use of a permit will render the permit void.]

[324.736] **308.560.** All moves on streets on the municipal system of streets shall comply
2 with local ordinances. The officer in charge of the maintenance of streets of any municipality
3 may issue permits for the use of the streets by housemovers within the limits of such
4 municipalities.

[324.739] **308.565.** The speed of moves will be that which is reasonable and prudent for
2 the load, considering weight and bulk, under conditions existing at the time.

[324.742] **308.570.** Any person violating sections [324.700 to 324.745 or the regulations
2 of the division or department of transportation] **308.500 to 308.575,** shall be guilty of a class A
3 misdemeanor.

[324.745] **308.575.** 1. If any provisions of sections [324.700 to 324.745,] **308.500 to**
2 **308.575** or if the application of such provisions to any person or circumstance shall be held
3 invalid, the remainder of this section and the application of such provision of sections [324.700
4 to 324.745] **308.500 to 308.575** other than those as to which it is held valid[,] shall not be
5 affected thereby.

2. Nothing in sections [324.700 to 324.745] **308.500 to 308.575** shall be construed to limit, modify or supercede the standards governing the intrastate or interstate movement of property pursuant to 49 U.S.C. 14501 or 49 U.S.C. 14504.

3. The provisions of sections [324.700 to 324.745] **308.500 to 308.575** shall not apply to housemovers engaged in the interstate movement of houses. Those engaged in the interstate movement of houses, however, shall comply with all applicable provisions of federal and state law with respect to the movement of such property.

[324.712. 1. No license shall be issued or renewed unless the applicant files with the division a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum amount of coverage established by the division by rule;

(2) Comprehensive general liability insurance with a minimum level of coverage established by the division by rule, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the division a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the division of any of the following events at least thirty days before its occurrence:

(1) Cancellation of the policy;

(2) Nonrenewal of the policy by the company; or

(3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the division a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's house for all claims for property damage arising from the movement of a house; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.]