

SS SCS SB 969 -- Motor Vehicles

Sponsor: Stouffer

This substitute changes the laws regarding motor vehicles.

UNIFORM REGISTRATION FEES

A flat fee of \$26.25 will be charged for all passenger motor vehicles and commercial motor vehicles with a gross weight rating of 12,000 pounds or less. This provision becomes effective July 1, 2007.

SPECIALTY LICENSE PLATES ISSUANCE

The Department of Revenue will be allowed to deny applications and the issuance of special license plates if no applications are received within five years of the effective date of the law authorizing the plate.

DRIVEAWAY SADDLEMOUNT COMBINATIONS

The maximum length for driveaway saddlemount combinations are increased from 75 feet to 97 feet. Combinations having a length greater than 97 feet may not be operated on the interstate highway system.

IDLE REDUCTION TECHNOLOGY WEIGHT INCREASE

The maximum gross vehicle weight limit and axle weight limit for heavy-duty vehicles equipped with idle reduction technology may be increased up to an additional 400 pounds to compensate for the additional weight of the technology.

EXPUNGEMENT OF COMMERCIAL DRIVER'S LICENSE (CDL) RECORDS

The substitute prohibits the expungement of a minor in possession charge for a holder of a commercial driver's license or a person operating a commercial motor vehicle at the time of the violation and specifies that no records will be expunged for a CDL holder who has been convicted of or pled guilty to an offense when the person's blood alcohol content was .04 or above.

LIENS ON MOTOR VEHICLES FOR STORAGE OR SERVICES

A lienholder may apply for a title to a motor vehicle if the statutory notice is returned marked "not forwardable" or "addressee unknown." The application for the lien must be accompanied by a copy of the statutory notice given to the owner of the motor vehicle and other lienholders of interest. The

substitute removes the requirement that the Department of Revenue must notify the motor vehicle owner or other lienholder of interest before issuing a lien title and adds a provision which allows the filing of a petition to challenge whether the chattel was wrongfully taken.

FAILURE TO APPEAR

The substitute adds failure to appear or pay by a commercial driver's license holder as a driving offense requiring indefinite suspension until compliance is fulfilled.

COMMERCIAL DRIVER'S LICENSE MILITARY EXEMPTION

The substitute specifies that a military member is exempt from possessing a commercial driver's license while driving a vehicle for military purposes. Currently, the military member must be driving a military vehicle to qualify for the exemption.

ABANDONED MOTOR VEHICLES

Abandoned property will not be subject to the transfer notification provisions of Sections 301.196 - 301.198, RSMo, which require private sellers to notify the Department of Revenue of the sale. The substitute requires registered owners to present a copy of their most recent registration receipt or title for the abandoned property to law enforcement or the towing company in order to have the property released, and an insurer or a holder of a valid security interest will not be required to present these documents.

CERTIFICATION PROCEDURES FOR LOCAL LAW ENFORCEMENT OFFICIALS

The State Highway Patrol will be required to establish a program to certify local law enforcement officers regarding enforcing the provisions of Sections 304.170 - 304.230. The certification procedures must include training, testing, on-the-job experience, data collection, and other specified components and must meet the requirements established by the Commercial Vehicle Safety Alliance (CVSA). The patrol is authorized to establish reasonable fees to cover the costs of training and certification. Beginning July 1, 2007, no law enforcement officer may make an arrest, issue a citation, or conduct a commercial motor vehicle roadside inspection to determine compliance with the provisions of Sections 304.170 - 304.230 unless the law enforcement officer has satisfactorily completed a basic training course developed by CVSA and has been certified by the patrol.

PRE-EMPTION OF COMMERCIAL MOTOR VEHICLE ENFORCEMENT LAWS

The power to conduct a commercial motor vehicle roadside inspection is removed from all local law enforcement officers and agencies except those in the cities of Kansas City and St. Louis.

AFFIRMATIVE DEFENSE FOR PROCEEDING THROUGH A RED LIGHT WITH A MOTORCYCLE

The substitute specifies that a person operating a motorcycle who enters or crosses an intersection controlled by a traffic signal against a red light will have an affirmative defense to that charge if the person establishes that:

- (1) The motorcycle was brought to a complete stop;
- (2) The traffic signal continued to show a red light for an unreasonable amount of time;
- (3) The traffic signal was apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal apparently failed to detect the arrival of the motorcycle; and
- (4) No motor vehicle or person was approaching or was so far away from the intersection that it did not constitute an immediate hazard.

The affirmative defense applies only to a violation for entering or crossing an intersection controlled by a traffic signal against a red light and does not provide a defense to any other civil or criminal action.

CIVIL ENFORCEMENT OF TRAFFIC AND MOTOR VEHICLE VIOLATIONS

The substitute allows for the civil enforcement of certain traffic and motor vehicle violations and converts various minor traffic and motor vehicle violations from low-grade misdemeanors to infractions.

SALVAGE VEHICLES

Currently, the definition of "salvage vehicle" includes a motor vehicle that has been damaged to the extent that the cost of repairs to rebuild it exceeds 75% of the fair market value of the vehicle. The substitute changes the damage threshold from 75% to 80% and restricts the 80% damage threshold to vehicles which have a manufacturer's model year designation within three years of when the vehicle was damaged.

DISABLED PLACARDS

The substitute removes the \$4 fee for the permanent removable windshield disabled parking placard but keeps the \$4 fee for a temporary replacement windshield placard and requires them to be renewed every four years instead of two years.

ELECTRONIC BIDDING

The Highways and Transportation Commission is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically through the Internet. At its discretion, the commission may elect to receive both electronic and paper bids or may specify electronic bidding exclusively for any proposed contract. The substitute establishes minimum criteria for the electronic bidding program.

TOWING FEES

When a towing company removes abandoned property pursuant to a law enforcement or Department of Transportation request, the towing company may submit reasonable towing and storage fees, not to exceed \$300, to the entity requesting removal of the abandoned property.

LICENSE PLATE COVERS

License plates may be encased in transparent covers as long as the plates are plainly visible and their reflective qualities are not impaired.

STATE OF THE STATE OF TRANSPORTATION ADDRESS

The requirement that the Director of the Department of Transportation deliver an annual state of the state of transportation address to the General Assembly is eliminated.

SCHOOL BUSES

The substitute increases the penalties for those who fail to stop for school buses that are loading or unloading children. Any person who fails to properly yield for a school bus and causes an injury to a child will be guilty of a class D felony. Any person who fails to properly yield for a school bus and causes the death of a child will be guilty of a class C felony.