

HCS SCS SB 930 & 947 -- TRANSPORTATION

SPONSOR: Stouffer (St. Onge)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 8 to 0.

This substitute changes the laws regarding transportation.

AIRCRAFT RELATED SALES TAX EXEMPTION (Section 144.030, RSMo)

Currently, materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance or manufacture of aircraft engaged as common carriers of people or property are exempt from state and local sales tax. The substitute expands the exemption to include materials, replacement parts, and equipment purchased for use directly upon and for the modification, repair, replacement, and maintenance of aircraft, aircraft power plants, and aircraft accessories from January 1, 2009, to January 1, 2015.

AVIATION TRUST FUND (Sections 144.805 and 305.230)

The substitute removes the \$6 million cap on the Aviation Trust Fund and specifies that if \$6 million is deposited into the fund in the previous calendar year, \$2 million may be used annually to study or promote expanded or intrastate scheduled commercial service or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service. There must have been at least \$6 million deposited in the fund in the previous calendar year before moneys in the Aviation Trust Fund can be utilized for these purposes. Revenue in the fund may be used to assist communities to match federal air traffic control tower cost-share program grants. Up to \$500,000 per year may be used on a ratio of 50% state/50% local to meet the non-federal match requirement. No more than \$100,000 per year may be used for any individual air traffic control tower.

TAXATION OF AIRCRAFT (Section 155.010)

The substitute revises the definition of "commercial aircraft" as it relates to the taxation of aircraft by lowering the maximum certified gross take-off weight from 7,000 to 3,000 pounds.

ELECTRONIC BIDDING (Section 227.102)

The Highways and Transportation Commission will be authorized to receive bids and bid bonds electronically via the Internet for any contract for construction, maintenance, repair, or

improvement of any bridge or highway in the state highway system. At its discretion, the commission may elect to receive both electronic and paper bids or the commission may specify electronic bidding exclusively for any proposed contract. The minimum criteria for the electronic bidding program is established.

#### ANNUAL BID BOND (Section 227.103)

The Highways and Transportation Commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission will prescribe the form and content of an annual bid bond.

#### HIGHWAY DESIGNATIONS (Sections 227.396 and 227.400)

The substitute designates the portion of State Route WW located in Boone County, beginning at the intersection of U. S. Highway 63 and proceeding east to the intersection of South Olivet Road as "Carl Edwards Drive" and the portion of Interstate 44 from mile marker 280 to mile marker 282 in St. Louis County as "Police Officer Robert Stanze Memorial Highway."

#### COMMERCIAL INSERTS PROHIBITION (Section 301.040)

Commercial inserts or other forms of advertising are prohibited from accompanying motor vehicle registration notices.

#### EXEMPTION FROM LICENSE PLATE REISSUANCE REQUIREMENT (Section 301.130)

The substitute exempts permanent nonexpiring license plates issued to commercial motor vehicles and trailers from the new design license plate requirement.

#### DRIVER'S LICENSES AND TEMPORARY PERMITS (Sections 302.060, 302.063, and 302.171)

The Department of Revenue is prohibited from issuing a driver's license or a temporary instruction permit to any person 15 to 18 years of age if a public school district submits information to the department that the student is not in compliance with the eligibility standards. Every public school district must provide the department at least once a semester a list of the students who are not in compliance.

The Department of Elementary and Secondary Education's standards must ensure that a student continues to make educational progress. If an applicant does not achieve the department's standards, his or her driver's license test will be postponed

until he or she demonstrates that the standards have been achieved.

Any person who is emancipated and does not meet the qualifications may request his or her district's school board to grant a waiver from the requirements. A school board will grant a waiver if it determines that having a license to operate a motor vehicle is in the best interest of the individual. Any person who drops out of school and earns a general educational development (GED) certificate will be granted, upon request, a waiver from these requirements.

The Department of Elementary and Secondary Education, in cooperation with the Department of Revenue, must establish a model or models for compliance.

Any person who knowingly submits false information to the Department of Revenue regarding these provisions will be guilty of a class C misdemeanor.

#### SCHOOL BUS ENDORSEMENTS (Sections 302.177, 302.720, and 302.735)

The renewal and examination fee for a school bus endorsement is waived for an individual who is 70 years of age or older.

#### HIGHWAY LANE USE (Section 304.015)

Trucks having a gross weight of 48,000 or more pounds will be prohibited from operating in the far left-hand lane on all interstate highways, freeways, or expressways located within urbanized areas having three or more lanes of traffic proceeding in the same direction. This restriction will not apply when traffic is directed to use a lane other than the right lane or if the right lane is closed to traffic while under construction or repair.

#### IDLE REDUCTION TECHNOLOGY (Section 304.180)

The substitute increases the maximum gross weight limit and axle weight limit for heavy-duty vehicles equipped with idle reduction technology to compensate for the additional weight of the idle reduction system. The additional weight increase will not be greater than 400 pounds.

#### COMMERCIAL MOTOR VEHICLE ENFORCEMENT OFFICERS (Sections 304.230 and 304.232)

The State Highway Patrol is required to establish an approved program for local law enforcement officers regarding the enforcement of the commercial motor vehicle laws. The

certification procedures approved by the patrol must include training, testing, on-the-job experience, data collection, and other specified criteria. The certification procedures must meet the requirements established by the Commercial Vehicle Safety Alliance. The patrol is authorized to establish reasonable fees to recover the costs of training and certification. Law enforcement officers who have received commercial vehicle safety alliance certification prior to January 1, 2009, will be exempt from these requirements.

Beginning January 1, 2009, only law enforcement officers that have been approved by the patrol under the substitute, members of the patrol, or commercial vehicle enforcement officers will have the authority to conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws, and with or without probable cause to believe that the size or weight is in excess of that permitted by law, to require the driver, operator, owner, lessee, or bailee to stop, drive, or otherwise move to a location to determine compliance. A law enforcement officer not certified may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. The law enforcement officer must identify to the driver the defect that caused the stop. If the vehicle passes the roadside inspection, the law enforcement officer, highway patrolman, or other authorized person will issue a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle.

The substitute requires commercial vehicle enforcement officers to meet the mandatory standards for basic training and licensure of peace officers. Officers who are employed and performing their duties on August 28, 2008, will have until July 1, 2012, to comply with the mandatory standards.

#### TRAVEL SAFE ZONES (Section 304.590)

The fines imposed for a moving or speeding violation when committed in a designated travel safe zone are doubled. A "travel safe zone" is defined as any area upon or around any highway, visibly marked by the Department of Transportation, where a highway safety analysis shows the number of fatal or disabling vehicle crashes exceeds a predicted safety performance level for comparable roadways as determined by the department.

#### UNIFIED CARRIER REGISTRATION ACT (Section 390.021)

This bill authorizes the Highways and Transportation Commission to take the necessary steps to implement and administer a state plan to conform with the federal Unified Carrier Registration (UCR) Act of 2005. The UCR Act eliminates the state's

registration system and replaces it with the federal UCR Agreement. The agreement will take precedence over any prior agreement or conflicting requirements under Chapters 390 and 622.

The Department of Transportation must monitor the federal government's activities regarding the UCR Act, the agreement, and the UCR implementing regulations and will be required to notify the Joint Committee on Transportation if any change, modification, or addition is made to the act. Upon notification, the joint committee will meet to discuss any modification and by the first legislative day of the next regular legislative session, submit a report detailing the change, modification, or additions to the agreement to the General Assembly. After submission of the report by the joint committee, the changes, modification, or additions to the agreement will become effective unless disapproved by a Senate or House Resolution adopted by a majority vote of both chambers within 30 legislative days of the submission.

#### MOTOR CARRIER INDEMNIFICATION AGREEMENTS (Section 390.372)

The substitute makes an indemnity agreement in motor carrier transportation contracts which exempts a party for any losses from negligence or intentional acts void and unenforceable. Motor carrier transportation contracts must not include Uniform Intermodal Interchange and Facilities Access Agreements.

#### PRIOR INTOXICATION-RELATED OFFENSES (Section 577.023)

The substitute specifies that a plea of guilty or a finding of guilty followed by incarceration, a suspended imposition of sentence, suspended execution of sentence, probation or parole, or any combination thereof in any intoxication-related traffic offense in a state, county, or municipal court will be treated as a prior conviction for purposes of enhanced punishment under Section 577.023.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown greater than \$798,757 in FY 2009, Unknown greater than \$987,397 in FY 2010, and Unknown greater than \$1,016,525 in FY 2011. Estimated Effect on Other State Funds of an income of Unknown expected to exceed \$100,000 to a cost of \$213,240 in FY 2009, an income of Unknown expected to exceed \$100,000 to a cost of \$159,448 in FY 2010, and an income of Unknown expected to exceed \$100,000 to a cost of \$163,781 in FY 2011.

PROPOSERS: Supporters say the State Aviation Trust Fund is a significant source of funding for airport maintenance and capital improvements across the state. Removal of the cap and assisting local matching share will allow the collection of this additional

revenue and provide needed funding for additional projects at airports throughout the state.

Testifying for the bill were Senator Stouffer; Department of Transportation; Brian Grace and Richard Hrabko, Lambert Airport; Steve Stockman, Joplin Airport; Bob Dickens, Aircraft Owners and Pilots Association; Phil Philips, Missouri State Aviation Council; Janice McMillan, Director of Community Development, City of Jefferson; John Landwehr, Mayor, City of Jefferson; and Mike Hurst, Rosecrans Memorial Airport.

OPPONENTS: There was no opposition voiced to the committee.