

CCS HCS SCS SB 930 & 947 -- TRANSPORTATION

This bill 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 bill 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 cap on the amount of jet fuels sales taxes that can be deposited into the Aviation Trust Fund is increased from \$6 million to \$10 million; and if \$6 million is deposited into the fund in the previous calendar year, up to \$2 million may be used annually to study or promote expanded domestic, international, or intrastate scheduled commercial service or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service. 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 definition of "commercial aircraft" is revised 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 is 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 are specified.

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 the bond.

HIGHWAY DESIGNATIONS (Sections 227.378, 227.397, and 227.400)

The bill designates:

(1) The bridge over Table Rock Lake on State Highway 39 in the City of Shell Knob as the "Senator Larry Gene Taylor Memorial Bridge";

(2) The one-mile portion of Interstate 55 in Jefferson County going south from the intersection of State Route M as the "Jeff McBride Memorial Highway"; and

(3) The portion of Interstate 44 from mile marker 280 to mile marker 282 in St. Louis County as the "Police Officer Robert Stanze Memorial Highway."

SPECIAL ROAD DISTRICTS (Section 233.155)

In any special road district located in two counties with an additional fourth commissioner appointed by the county outside of the original district, the bill allows a fifth commissioner to be appointed by the same county that appointed the fourth commissioner.

TRANSPORTATION DEVELOPMENT DISTRICTS (Sections 238.202, 238.207, and 238.210)

The bill changes the procedure for forming a transportation development district within two or more counties. Fifty or more registered voters from each of the counties are allowed to sign a petition calling for the creation of joint establishment of a district for a project to be located in multiple counties. The petition may be filed in the circuit court of any of the petitioner counties. The district and proposed funding will be subject to voter approval under one election, rather than a bifurcated process.

UTILITY VEHICLES (Sections 301.010 and 304.032)

"Utility vehicle" is defined as any motorized vehicle manufactured and used exclusively for off-highway purposes which is 63 inches or less in width, has an unladen dry weight of 1,850 pounds or less, travels on four or six wheels, and is used

primarily for landscaping, lawn care, or maintenance purposes.

The bill specifies the restrictions and establishes guidelines for the operation of these vehicles in this state.

Any person violating the provisions regarding the operation of a utility vehicle will be guilty of a class C misdemeanor. In addition to other legal remedies, the Attorney General or county prosecuting attorney may institute a civil action for injunctive relief and the assessment of a penalty of up to \$1,000 per day.

EXEMPTION FROM LICENSE PLATE REISSUANCE REQUIREMENT (Section 301.130)

Permanent nonexpiring license plates issued to certain commercial motor vehicles and trailers will be exempt from the new design license plate requirement.

IGNITION INTERLOCKS (Sections 302.010, 302.060, 302.304, 302.309, 302.525, 577.041, 577.600, 577.602, and 577.612)

The bill specifies that anyone who has had his or her license and driving privilege suspended or revoked for a second or subsequent alcohol-related traffic offense cannot obtain a restricted driving privilege until the person has completed 30 days of a suspension and has filed proof with the Director of the Department of Revenue that his or her motor vehicle is equipped with a functioning, certified ignition interlock device as a required condition of the person's restricted driving privilege. The ignition interlock device must be maintained on all motor vehicles operated by the person for a period of at least six months following the date of reinstatement. If the person fails to maintain the proof, the restricted driving privilege will be terminated and the person will be guilty of a class A misdemeanor. Any person who has had his or her driving privilege revoked must also file proof of financial responsibility prior to reinstatement.

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.

DRIVER'S LICENSES (Section 302.341)

The bill requires the Director of the Department of Revenue, in cases where the driver's license of an individual has been suspended for failure to dispose of any charges and fines regarding a moving violation, to return the license and remove the suspension from the individual's driving record upon proof of

the disposition of charges and payment of all fines and court costs.

THIRD-PARTY TESTING (Section 302.720)

Beginning August 28, 2008, the Department of Revenue must certify as a third-party tester any municipality that owns, leases, or maintains its own fleet, requires certain employees as a condition of employment to hold a valid commercial driver's license, and prior to August 28, 2006, administered in-house testing for its employees.

HIGHWAY LANE USE (Section 304.015)

Trucks having a gross weight of more than 48,000 pounds will be prohibited from operating in the far left-hand lane of 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.

REGULATION OF VEHICULAR TRAFFIC (Section 304.130)

The bill exempts first classification counties from the procedural requirements when establishing regulations related solely to speed limits. The speed limits in these counties will take effect immediately upon the approval of the county commission.

IDLE REDUCTION TECHNOLOGY AND WEIGHT LIMITS (Section 304.180)

The bill 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 cannot be greater than 400 pounds.

Any vehicle or combination of vehicles hauling livestock may have a gross weight of up to 85,500 pounds while operating on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36.

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 must meet the requirements of the memorandum of understanding between the State of Missouri and the Commercial Vehicle Safety Alliance or any successor organization. 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 who have been approved by the patrol under the bill, members of the patrol, commercial vehicle inspectors, and certain 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 bill requires commercial vehicle enforcement officers designated as peace officers by the patrol 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.

MISSOURI VEHICLE PROTECTION PRODUCT ACT (Sections 385.400 - 385.436)

The Missouri Vehicle Protection Product Act is established regarding any person selling or offering a vehicle protection

warranty agreement. A person will be prohibited from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, or any administrator complies with the provisions of the bill. A vehicle protection product warrantor, a seller of a vehicle protection product, or a warranty administrator who complies with the provisions of the bill will not be subject to any other state insurance code. Vehicle warrantor requirements, vehicle protection product warranty contents, vehicle warranty cancellation provisions, and rule-making authority are specified. The bill will apply to all warranted products sold or offered for sale on or after January 1, 2009. The failure of any person to comply with the provisions of the bill before its effective date will not be admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not be used to prove that the action of any person or the vehicle protection product was unlawful or otherwise improper.

UNIFIED CARRIER REGISTRATION ACT (Section 390.021)

The Highways and Transportation Commission is authorized 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 commission may submit to the proper federal authorities, amend, and carry out a state plan to qualify as a base-state and participate in the UCR Program and administer the UCR Agreement. The commission is authorized to administer the registration of Missouri domiciled motor carriers, motor private carriers, brokers, freight forwarders and leasing companies, and persons domiciled in nonparticipating states who have designated Missouri as their base-state under the UCR Act; to handle registration fees; and to enter into an agreement with any United States agency.

Every motor carrier, motor private carrier, broker, and freight forwarder and leasing company that has its principal place of business in Missouri and every person who has designated this state as his or her base-state must timely complete and file with the commission all the forms and registration fees required by the UCR Program.

Implementing the UCR Act will not be construed as exempting any motor carrier or any person controlled by a motor carrier from any state regulation regarding motor carriers.

Certain motor carriers who transport agricultural products are exempt from the provisions of the act and agreement.

MOTOR CARRIER INDEMNIFICATION AGREEMENTS (Section 390.372)

Any indemnity agreement in a motor carrier transportation contract which exempts a party for any losses from negligence or intentional acts will be void and unenforceable. Motor carrier transportation contracts must not include the Uniform Intermodal Interchange and Facilities Access Agreement or similar agreements.

INTOXICATION-RELATED TRAFFIC OFFENSES (Section 577.023)

The bill clarifies that evidence of a plea of guilty or 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 plea of guilty or finding of guilty for the purposes of determining whether a person is a chronic, aggravated, persistent, or prior offender of an intoxication-related traffic offense.

CONTINUING EDUCATION REQUIREMENTS FOR PEACE OFFICERS (Section 590.050)

Currently, peace officers who make traffic stops are required to receive annual training regarding the prohibition of racial profiling. The bill changes the training requirement to three hours within the law enforcement continuing education three-year reporting period.

The provisions regarding the Missouri Vehicle Protection Product Act become effective January 1, 2009, and the provisions regarding ignition interlocks become effective July 1, 2009.