

HCS SB 84 -- TRANSPORTATION

SPONSOR: Purgason (Dixon)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 13 to 0.

This substitute changes the laws regarding transportation.

TRANSPORTATION APPOINTEES (Sections 21.795 and 226.030, RSMo)

The position of Transportation Inspector General within the Joint Committee on Transportation Oversight is eliminated.

Currently, the two members of the Highways and Transportation Commission, one from each political party, who have the most seniority in commission service serve as commission leadership with one as chair and the other as vice chair for a period of one year. At the end of the year, the chair and vice chair rotate positions. The substitute gives the chair and vice chair the option to rotate positions.

MOTOR FUEL TAX (Section 142.800)

The substitute specifies that the definition of "diesel fuel" for motor fuel tax purposes does not include biodiesel until the biodiesel is blended with other diesel fuel or sold for highway use.

PUBLIC ROADWAYS (Section 226.222)

The substitute requires the Department of Transportation's plans, programs, and projects to provide full consideration for the safety and contiguous routes for bicyclists, pedestrians, disabled persons, and transit users of all ages and abilities. Bicycle and pedestrian ways must be given full consideration in the planning and development of transportation facilities by the department, including their incorporation into state plans and programs.

DEPARTMENT OF TRANSPORTATION (Section 226.227)

The Department of Transportation is prohibited from using appropriated or received funding for any activity specifically designed to urge state or local legislators to favor or oppose the adoption of any specific legislative proposal. Officers or employees of the department can testify before a legislative body in response to the invitation of any member of that legislative body or a state executive office.

## DRUNK DRIVING VICTIM MEMORIAL SIGN PROGRAM (Section 227.295)

The substitute requires the Department of Transportation to establish a drunk driving risk reduction awareness program to be known as "David's Law," including a drunk driving victim memorial sign program. The department must adopt, by rules and regulations, program guidelines for the application for and placement of signs including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

Any person may apply to the department to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of an alcohol-related traffic law at the time of the accident. A person who is not a member of the victim's immediate family may also make a request if he or she submits the written consent of a member of the victim's immediate family. The department will charge the sponsoring party a fee to cover the department's cost in designing, constructing, erecting, and maintaining the sign. Signs will remain in place for 10 years and may be renewed for another 10 years after payment of the appropriate maintenance fees.

The signs developed by the department will feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim was killed, and the phrase "Think About It!".

All other roadside memorials or markers commemorating the death of a drunk driving victim are prohibited. No person, other than a department employee or designee, may erect a drunk driving victim memorial sign.

## MEMORIAL HIGHWAYS AND BRIDGES (Sections 227.310, 227.311, 227.313, 227.368, 227.402, 227.407, 227.409, and 227.410)

The substitute designates the following memorial highways and bridges:

- (1) The portion of State Highway 100 located in Franklin County from its intersection with State Highway 47 to the highway's connection with Interstate 44 as the "Veterans Memorial Highway";
- (2) The portion of the Poplar Bluff bypass located in Butler County from State Highway 60 where it crosses over the Black River to State Highway 67 where it crosses State Route M as the "Veterans Memorial Highway";

(3) The portion of State Highway 266 located in Greene County from North Missouri Road AB to one mile east as the "Dr. Martin Luther King Jr. Memorial Mile";

(4) The bridge over Interstate 44 on Business Loop 44 at Exit 127 in Laclede County as the "Specialist James M. Finley Memorial Bridge";

(5) The bridge over the Gasconade River on State Highway 17 in Pulaski County as the "WWII Okinawa Veterans Memorial Bridge";

(6) The portion of Interstate 435 from mile marker 63.4 to mile marker 54.2 as the "Lamar Hunt Memorial Highway";

(7) The portion of Interstate 64/U. S. Highway 40 from the McClausland/Skinker interchange east to the Interstate 64/Interstate 55 interchange as the "Jack Buck Memorial Highway"; and

(8) The portion of U. S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street as the "Rabbi Abraham Joshua Heschel Memorial Highway."

#### INTERSTATE INTERCHANGE DESIGNATION PROGRAM (Section 227.297)

The substitute establishes an interstate interchange designation program to be known as the Heroes Way Interstate Interchange Designation Program to honor fallen Missouri heroes who have been killed in action while in active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001, and who were residents of this state at the time of their death.

Any person who is related by marriage, adoption, or consanguinity within the second degree to the military member may apply to the Department of Transportation for a designation by submitting:

(1) An application in a form prescribed by the department director describing the interstate interchange for which the designation is sought and the proposed name of the interchange. The application must include the name of at least one current member of the General Assembly who will sponsor the designation;

(2) A statement from the Missouri Veterans Commission or the United States Department of Veterans Affairs certifying that the family member was a member of the United States armed forces and was killed in action while performing active military duty with the United States armed forces in Afghanistan or Iraq on or after September 11, 2001; and

(3) A fee to be determined by the Highways and Transportation Commission to cover, but not exceed, the costs of constructing and maintaining the proposed interstate interchange signs.

The department must submit for approval or disapproval all applications for designations to the Joint Committee on Transportation Oversight. If satisfied with the application and all its contents, the joint committee must approve the application. The joint committee must notify the department upon the approval or denial of an application for a designation. If the memorial designation request is not approved by the joint committee, 97% of the application fee must be refunded to the applicant.

Two signs will be erected for each interstate interchange designation. No interstate interchange may be named or designated after more than one individual, and a person will only be eligible for one designation.

The highway signs erected for any designation under the provisions of the substitute must be erected and maintained for a 20-year period. After that period, the signs will be subject to removal by the department and the interstate interchange may be designated to honor another person. An existing designation processed under the provisions of the substitute may be retained for additional 20-year increments if, at least one year before the designation's expiration, an application to the department is made to retain the designation along with the required documents and all applicable required fees.

#### ALL-TERRAIN VEHICLES (Sections 300.349 and 301.700)

Licensed drivers are allowed to operate off-highway vehicles on gravel or dirt roads located in any charter county in certain situations. Anyone violating these provisions will be guilty of a class C misdemeanor and may be subject to a civil penalty of up to \$1,000 per day of violation.

A bill of sale is allowed to be used to prove ownership of an all-terrain vehicle when applying for a certificate of ownership.

#### MOTOR VEHICLE WINDSHIELD STICKERS (Sections 136.055, 301.032, 301.130, 301.140, 301.160, 301.290, and 301.300 - 301.302)

The substitute requires a front window sticker to be placed on the inside front windshield of a motor vehicle to show the current registration and a rear license plate tab. A window sticker will not be issued for a motorcycle or trailer registration.

The Director of the Department of Revenue is allowed, beginning January 1, 2012, to prescribe additional information to be recorded on the window sticker to ensure that it positively correlates with the license plate or plates issued for the vehicle.

SPECIAL LICENSE PLATES (Sections 21.795, 301.165, 301.2998, 301.3155, 301.3158, 301.4005, 301.4006, 301.4010, 301.4016, and 301.4018)

The substitute allows for the following special license plates:

- (1) Brain Tumor Awareness;
- (2) Armed Forces Expeditionary Medal;
- (3) Legion of Merit;
- (4) Missouri Bicycle Federation;
- (5) Nixa Education Foundation;
- (6) National Wild Turkey Federation;
- (7) Missouri Stream Team; and
- (8) D.A.R.E. (Drug Abuse Resistance Education).

The Joint Committee on Transportation's speciality license plate approval process is revised; and once a specialty plate is approved for issuance, the Department of Revenue cannot issue the plate until receiving 200 applications.

MOTOR VEHICLE CERTIFICATES OF OWNERSHIP (Section 301.190)

The substitute establishes a procedure for adding or deleting a name or names on an application for certificate of ownership for a motor vehicle or trailer when there is an inconsistency with the notice of lien.

SALVAGED VEHICLES (Section 301.218)

Currently, when a person who is not a resident of the United States buys a nonrepairable motor vehicle or a salvage motor vehicle, the seller must stamp the words "FOR EXPORT ONLY" on the face of the title and in each unused reassignment space on the back of the title and forward it to the Department of Revenue. The substitute specifies that it is the operator of the salvage pool or salvage disposal sale or the subsequent purchaser who is required to fulfill these actions.

MOTOR VEHICLE VIOLATION PENALTIES (Sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 488.006, and 556.021)

The substitute changes the laws regarding the penalties for certain violations of motor vehicle licensing, registration, and equipment provisions. In its main provisions, the substitute:

(1) Changes the penalties for persons violating the provisions of Sections 301.010 - 301.440 regarding registration and licensing of motor vehicles. Currently, persons violating a provision of these sections can be found guilty of a class C misdemeanor and be subject to a fine of not less than \$5 or more than \$500 and/or imprisonment in the county jail for a term not exceeding one year. The substitute reduces the penalty to an infraction with the same fines;

(2) Specifies that any person who willfully or knowingly makes a false statement on an application for the registration of a motor vehicle or trailer, or as a dealer, or in an application for or assignment of a certificate of ownership will be guilty of a class C misdemeanor;

(3) Changes a violation of the following from a misdemeanor to an infraction:

(a) Provisions of Sections 301.700 - 301.714 and Section 307.198 regarding all-terrain vehicles;

(b) Provisions regarding when materials fall off a vehicle, trailer, or semitrailer while being transported or carried;

(c) Provisions requiring vehicles to be equipped with mud flaps;

(d) Provisions of Sections 307.020 - 307.120 regarding vehicle light regulations;

(e) Provisions regarding the lighting requirements for animal-driven vehicles;

(f) Provisions of Sections 307.130 - 307.160 regarding vehicle safety glass;

(g) Provisions regarding maximum vehicle bumper heights;

(h) Provisions regarding vehicle side window tinting;

(i) Provisions regarding the improper operation of a motorized bicycle;

(j) Provisions of Sections 307.350 - 307.390 regarding motor vehicle inspections; and

(k) Provisions of Section 307.400 regarding commercial vehicles and drivers of commercial vehicles;

(4) Changes a violation of the following from an infraction to a class C misdemeanor:

(a) Provisions of Section 307.365 regarding requirements of official inspection stations; and

(b) Provisions of Section 307.375 regarding inspections of buses used to transport children to or from school;

(5) Requires Missouri courts, unless otherwise provided by law, to assess all court costs, fees, surcharges, and other miscellaneous charges for any infraction in the same manner and amount as for a misdemeanor;

(6) Specifies that an offense is an infraction if it is designated as one or if a violation can result only in a fine, forfeiture, other civil penalty, or any combination thereof. A determination of whether an infraction has occurred will be made by the filing of a civil action. The action must be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance if the conduct constituted a crime or ordinance violation. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation must be proved by a preponderance of the evidence but must not be tried by a jury. If an infraction violation is proven, judgment must be entered for the plaintiff; and

(7) Requires the driver of any vehicle or the rider of any animal traveling on a roadway to stop on the signal of any law enforcement officer and to obey any reasonable signal or direction of the officer given in the course of enforcing any infraction. Any person who willfully fails or refuses to obey any signal or direction or who resists or opposes an officer while enforcing any infraction will be guilty of a class A misdemeanor.

#### MOBILITY MOTOR VEHICLE DEALERS (Section 301.571)

Mobility motor vehicle dealers are allowed to purchase new motor vehicles and equip them for retail sale as mobility motor vehicles.

#### TEMPORARY MOTORCYCLE PERMITS (Section 302.132)

The substitute allows any person at least 16 years of age receiving a temporary motorcycle permit to operate a motorcycle or motortricycle for six months on state highways during daylight hours with no passengers.

#### DRIVER'S OR NONDRIVER'S LICENSE OF A PERMANENTLY DISABLED PERSON (Section 302.182)

An individual who is permanently disabled is allowed to apply to the Department of Revenue to have a notation indicating that status on his or her driver's or nondriver's license. The department will establish the cost and criteria for the placement of the notation.

#### ADMINISTRATION OF DRIVER IMPROVEMENT PROGRAMS (Sections 302.302 and 476.385)

The substitute allows courts using a centralized violation bureau to provide an individual who has violated certain traffic violations the option of attending a driver-improvement program or motorcycle-rider training course in lieu of assessing points against the person's driver's license. The individual must verify his or her attendance as directed by the bureau when paying the required fines and court costs.

#### COMMERCIAL DRIVER'S LICENSES (Sections 302.545, 302.700, 302.735, 302.755, 302.775, and 311.326)

The substitute prohibits the expungement of a minor in possession charge or for being found guilty with a blood-alcohol content of at least .04 for a holder of a commercial driver's license or a person operating a commercial motor vehicle when the violation occurred. A person will be disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted for the first violation of an alcohol-related violation.

The Director of the Department of Revenue will disqualify a commercial driver's license holder or operator of a commercial motor vehicle as a commercial driver upon receipt of a conviction for an offense or failure to appear or pay. The disqualification will remain in effect until the department director receives notice that the person has complied with the requirement to appear or pay.

The penalty for making a false unsworn statement or affidavit in the driver's license process is changed from a class A misdemeanor to a class D felony.

The state must immediately revoke a hazardous material

endorsement upon receipt of an Initial Determination of Threat Assessment and Immediate Revocation from the federal Transportation Security Administration and must revoke or deny a hazardous material endorsement within 15 days of receipt of a final determination. The definition of "hazardous materials" is revised to be consistent with federal law and regulations.

The substitute revises the definition of "farm vehicle" to clarify that it is a commercial motor vehicle operated by a farmer transporting agricultural products, machinery, supplies, or a combination of these within 150 miles to or from the farm.

Any person convicted for driving while out of service will be disqualified from driving a commercial motor vehicle in a manner prescribed by federal regulations.

#### TOWING BY LAW ENFORCEMENT (Section 304.155)

Currently, property is considered to be abandoned when it has been on the right-of-way of any highway or freeway in an urbanized area for 10 hours. Property on the right-of-way on any highway or freeway outside of an urbanized area is not considered abandoned until it has been on the right-of-way for 48 hours. The substitute specifies that property outside of an urbanized area will be considered abandoned after it has been left unattended for 12 hours on the right-of-way of the state highway system.

The substitute also authorizes law enforcement officers to tow a vehicle abandoned by a person who eludes arrest for an alleged offense for which the officer would have taken the offender into custody and allows officers to immediately remove abandoned property from the right-of-way of any interstate, freeway, or state highway if the abandoned property is creating a traffic hazard. Currently, only the Department of Transportation is authorized to immediately remove a hazard from a state highway.

#### TRACTOR PARADES (Sections 304.170 and 304.260)

Tractors driven by licensed drivers during daylight hours on specified parade routes for fund-raising activities and other special community events involving tractors are exempt from certain width, height, length, and registration regulations with the approval of the Superintendent of the State Highway Patrol.

#### CONSTRUCTION AND WORK ZONE VIOLATIONS (Section 304.582)

The substitute specifies that no person will be cited for a violation of certain traffic regulations in a construction or work zone if there are no highway workers located or working

within the zone at the time of the alleged violation.

#### TRAILER AND SEMITRAILER SAFETY PRECAUTIONS (Section 304.870)

The substitute prohibits any person from climbing, standing, or working on top of any tanker trailer stopped along any highway unless proper safety precautions are taken. Any person violating this provision will be guilty of an infraction punishable by a fine of between \$50 and \$100.

#### MOTORCYCLE HEADLAMP MODULATORS (Section 307.128)

Motorcycle headlamps are allowed to be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity. The standards for the modulation are specified in the substitute.

#### MOTOR VEHICLE DEALERSHIPS (Section 407.584)

The substitute requires any motor vehicle dealership which requires warranty work and repairs to be completed by a manufacturer-authorized dealership or repair facility and the dealership or repair facility discontinues this service and no other authorized dealership or repair facility is located within 75 miles of the dealership or repair facility to allow another dealership or repair facility that is certified by the National Institute for Automotive Service Excellence and is located within 75 miles to perform the warranty work and repairs.

Any dealership or repair facility completing warranty work is allowed to use aftermarket parts if original equipment parts will not arrive within five business days and the aftermarket parts will be available before the original equipment parts. The use of aftermarket parts will not void the manufacturer's warranty nor will aftermarket parts be covered by the manufacturer's warranty.

#### ASSAULT OF A HIGHWAY WORKER (Sections 565.081 - 565.083)

The crime of assault of a corrections officer, law enforcement officer, emergency personnel, or probation and parole officer in the first, second, and third degree is expanded to include a highway worker in a construction or work zone.

#### CONVEYANCE IN ST. LOUIS CITY (Sections 1 - 5)

The substitute authorizes the Governor to convey state property located in St. Louis City, which is currently being used by the Department of Corrections as a minimum security correctional facility, to the Highways and Transportation Commission for the

new Mississippi River Bridge project.

The provisions regarding motor vehicle windshield stickers become effective January 1, 2011.

The substitute contains an emergency clause for the provisions regarding tractor parades.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a cost of Unknown less than \$100,000 to an income of \$150,000 in FY 2010, a cost of Unknown less than \$100,000 in FY 2011, and a cost of Unknown less than \$100,000 in FY 2012. Estimated Cost on Other State Funds of \$158,000 in FY 2010, \$263,074 in FY 2011, and \$526,148 in FY 2012.

PROPOSERS: Supporters say that the bill establishes a drunk driving risk reduction awareness program and allows signs to be placed on roadways where a person died because of a drunk driver.

Testifying for the bill was Senator Purgason.

OPPOSERS: There was no opposition voiced to the committee.