

CCS SS SCS HCS HB 1402 -- TRANSPORTATION

This bill changes the laws regarding transportation.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT (Section 21.795, RSMo)

The bill requires the Senate membership of the Joint Committee on Transportation Oversight to be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the Senate is to the total membership of the Senate.

The bill requires the annual Department of Transportation report to be submitted no later than December 31 of each year, instead of November 10; requires the hearing on the report to be held no later than February 15 of each year, instead of December 1; and repeals the requirement that the report be submitted to every member of the Senate and the House of Representatives.

BI-STATE DEVELOPMENT AGENCY FARES (Section 70.441)

Any person who is convicted or pleads guilty or nolo contendere for failing to pay the proper fare, fee, or other charge for the use of Bi-State Development Agency facilities and conveyances may also be required to reimburse the reasonable costs attributable to the enforcement, investigation, and prosecution of the offense by the agency. The court must direct the reimbursement proceeds to the appropriate agency official.

DYED FUEL (Section 142.932)

The bill allows a person to operate specified motor vehicles engaged in public safety matters or the restoration of utility services on public highways with dyed fuel during any state of emergency. Dyed motor fuel is exempt from the state excise tax on motor fuels.

SALES TAX EXEMPTION FOR CERTAIN VEHICLES (Section 144.030)

A sales tax exemption is authorized for a motor vehicle registered in excess of 54,000 pounds and the trailer pulled by the motor vehicle that is actually used in the normal course of business to haul property on the public highways of the state and is capable of hauling loads commensurate with the motor vehicle's registered weight. The sales tax exemption also includes the materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance or manufacture of the vehicle.

## REGULATION OF OUTDOOR ADVERTISING (Sections 226.500 and 226.541)

On the date the Highways and Transportation Commission within the Department of Transportation approves funding for any phase or portion of construction or reconstruction of any street or highway, the bill requires the rules in effect for outdoor advertising on August 27, 1999, to be reinstated for that section of highway scheduled for construction and a moratorium to be immediately imposed on the issuance of state sign permits for new sign structures.

The owner of an existing sign that meets the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement who voluntarily executes a partial waiver and reset agreement may reset a sign on the same or adjoining property. The reset agreement must be contingent upon obtaining any required local approval to reset the sign structure. Any sign that has been reset must comply with the August 27, 1999, outdoor advertising regulations after it has been reset.

The owner of an existing sign who elects to reset a qualifying sign must receive compensation from the commission or in accordance with a cost-sharing agreement representing the actual cost to reset the existing sign. A sign that has been reset under these provisions must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure.

A sign owner may elect to reset an existing qualifying sign by executing a partial waiver and reset agreement with the commission.

Upon the completion of construction on any section of highway, the moratorium on new permits must be immediately lifted and the rules for outdoor advertising in effect on the date the construction is completed must apply to that section of highway.

Local zoning authorities may prohibit the resetting of qualifying signs that fail to comply with local regulations.

All signs must be subject to the biennial inspection fees under Section 226.550.

## RECREATIONAL OFF-HIGHWAY VEHICLES (Sections 301.010 and 304.033)

The bill:

(1) Revises the definition of "recreational off-highway vehicle" by increasing the maximum width of a recreational off-highway

vehicle from 60 inches to 64 inches and the maximum unladen dry weight of a vehicle from 1,850 pounds to 2,000 pounds;

(2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:

(a) Vehicles owned and operated by a governmental entity for official use;

(b) Vehicles operated for agricultural purposes or industrial on-premises purposes;

(c) Vehicles operated within three miles of the operator's primary residence. This provision does not authorize the operation in a municipality unless it is authorized by the municipality;

(d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads; and

(e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;

(3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river with the exception of an operator who owns the property, has permission to be on the property through which the waterway flows, or is fording it at a road crossing; and

(4) Requires a person operating a recreational off-highway vehicle on a highway under these provisions to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, and to wear a seat belt and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

#### FLEET VEHICLE LICENSE PLATES (Section 301.032)

A fleet owner of at least 50 fleet vehicles is allowed to apply for fleet license plates bearing the company name or logo. Currently, any fleet owner can apply for these plates regardless of how many vehicles he or she owns.

#### DRIVEAWAY LICENSE PLATES (Section 301.069)

The bill allows driveaway license plates to only be used by

owners, corporate officers, or employees of the business to which the plates were issued. An applicant for a driveaway plate must provide specified information including the business name, address, telephone number, and the business owner's full name, date of birth, license number, address, and telephone number. The applicant must provide proof of financial responsibility and a picture of his or her place of business. The applicant must maintain a working landline telephone at his or her place of business throughout the registration period. Any person who knowingly uses a revoked driveaway license plate must be deemed guilty of a class A misdemeanor.

#### THIRD LICENSE PLATE (Section 301.140)

A motorist is allowed to purchase an additional temporary license plate that matches an existing or newly issued plate to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. The plate must be placed in the interior of the vehicle's rear window so that the driver's view is not obstructed and the plate configuration is clearly visible from outside of the vehicle. The fee for the additional temporary license plate will be \$7.50. The third plate may be used only on the vehicle with the matching plate, and the additional third plate must be clearly recognizable as a third plate and used only for the specified purpose.

#### DEPARTMENT INVESTIGATORS (Section 301.216)

Department investigators licensed as peace officers by the Director of the Department of Public Safety must be deemed to be peace officers within the state while conducting investigations to enforce provisions regarding motor vehicle registrations and any provisions relating to taxes, licenses, or fees administered by the department director.

#### MUNICIPALLY OWNED VEHICLES (Section 301.260)

The bill exempts a motor vehicle used as an ambulance, patrol wagon, or fire apparatus that is owned by a municipality from the requirement to display two license plates and allows it to display one plate or to display the name of the municipality on each side of the vehicle in letters that are not less than three inches in height and not less than three-eighths of an inch in width.

#### VEHICLE INFORMATION RECORDS (Section 301.280.2)

The bill requires a motor vehicle dealer and a public garage operator to maintain a record of a vehicle's identification number, odometer setting, and manufacturer's name for a period of

five years for each motor vehicle and trailer that he or she sells, rents, stores, or repairs. Currently, the information must be maintained for three years.

#### FALSE STATEMENTS REGARDING MONTHLY SALES REPORTS (Section 301.280.6)

Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the Department of Revenue will be deemed guilty of a class A misdemeanor.

#### ISSUANCE OF DEALER LICENSES (Section 301.559)

The Director of the Department of Revenue is authorized to issue a license to a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction, or wholesale motor vehicle dealer that is valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload at the sole discretion of the department director.

#### MISUSE OF DEALER PLATES (Section 301.560)

Any law enforcement officer may seize a dealer license plate or certificate of number and surrender it to the department if he or she has probable cause to believe that it is being misused in violation of specified provisions of law.

#### REVOCATION OR SUSPENSION OF A DEALER'S LICENSE (Section 301.562)

The bill specifies that if a motor vehicle dealer who has his or her license suspended neglects or refuses to surrender his or her license or distinctive number license plates, the Director of the Department of Revenue must direct any agent or employee of the department or a law enforcement officer to secure possession of the items and return them to the department director.

At the discretion of the department director, specified events or acts by a licensed dealer are deemed to present a clear and present danger to the public welfare and must be considered cause for suspension or revocation of his or her license including the expiration or revocation of any required corporate surety bond or irrevocable letter of credit without submission of a replacement bond or letter of credit which provides coverage for the entire period of licensure, failure to maintain a required bona fide established place of business, specified criminal convictions, or three or more occurrences of specified violations. The suspension or revocation of a license under these provisions must be administratively processed by the department through evidentiary hearings held by the department director or his or

her designated agent. The administrative procedure and notice requirements for the suspension or revocation of a license are specified.

#### MOTOR VEHICLE SALES (Section 301.570)

The bill specifies that any person, partnership, corporation, company, or association that sells six or more vehicles in a year without a license for a second or subsequent offense will be guilty of a class D felony.

#### SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE (Section 301.580)

The Department of Revenue is allowed to issue a special event motor vehicle auction license to an applicant for the purpose of auctioning motor vehicles if at least 90% of the vehicles are 10 years old or older. A licensee must auction no more than 3% of the total number of vehicles presented for auction that are owned and titled in the name of the licensee or its owners. An auction can be held for no more than three consecutive days and no more than two times in a year by a licensee. A report must be sent to the department director within 10 days of the conclusion of the auction on a department director-approved form specifying the make, model, year, and vehicle identification number of every vehicle included in the auction. Anyone violating this provision will be guilty of a class A misdemeanor and will be charged a \$500 administrative fee payable to the department for each vehicle auctioned in violation of this provision.

A special event motor vehicle auction will be considered a public motor vehicle auction for the purposes of licensing and inspection of certain documents and odometer readings; however, the licensee will not be required to have a bona fide established place of business. An application to hold a special event motor vehicle auction must be received by the department at least 90 days prior to the event. An applicant must be registered to conduct business in this state, pay a licensing fee of \$1,000, and furnish a corporate surety bond or an irrevocable letter of credit in the amount of \$100,000. The applicant will be responsible for ensuring that a sales tax license or special event sales tax license is obtained if one is required.

#### WATERCRAFT, VEHICLE, AND TRAILER LIENS (Sections 301.600 and 306.400)

Currently, on a refinance of a loan secured by a watercraft, motor vehicle, or trailer, a lien is perfected by delivering the notice of lien to the Director of the Department of Revenue. The bill specifies that this provision applies only to a refinance by a different lender on a prior loan.

CRIMINAL HISTORY CHECKS TO OBTAIN LICENSE OR LIMITED DRIVING  
PRIVILEGE FOR CERTAIN OFFENDERS (Sections 302.010, 302.060, and  
302.309)

The bill requires certain offenders to undergo criminal history checks in order to have their driver's licenses reinstated or to have a limited driving privilege granted.

Currently, the Department of Revenue is prohibited from issuing a driver's license to anyone who has more than two driving-while-intoxicated convictions. However, a person may petition the court after 10 years from the date of the last conviction to have a new license issued. If, after reviewing the person's record, it is found that the petitioner has not been convicted of, pled guilty to, or been found guilty of and has no pending charge for any alcohol, controlled substances, or drug-related offense and has no other alcohol-related enforcement contacts during the preceding 10 years, the court may order the department director to issue the petitioner a driver's license. The court must review the results of a criminal history check prior to making that determination.

Currently, the department is prohibited from issuing a driver's license to anyone convicted twice within a five-year period of violating any driving-while-intoxicated law or any other intoxication-related traffic offense or to a person who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The bill allows, after the expiration of five years from the date of the last conviction, a person to petition the court to have a new license issued. The court must review the petitioner's record, including the results of a criminal history background check, to determine whether the petitioner has not been convicted, pled guilty to, or found guilty of and has no pending charge for any alcohol, controlled substances, or drug-related offense and has had no other alcohol-related enforcement contacts during the preceding five years and the petitioner's habits and conduct show that he or she no longer poses a threat to the public safety of this state. If satisfied, the court may order the department director to issue the petitioner a driver's license.

A person who petitions the court for a reinstatement of his or her driver's license must submit a criminal record review application and two sets of fingerprints to the State Highway Patrol. One set of fingerprints will be used by the patrol to search the criminal history repository and the other set will be sent to the Federal Bureau of Investigation for searching the federal criminal history files. The person seeking a reinstatement of his or her license must pay all fees related to the criminal history check.

The bill establishes similar provisions for a person who applies for a limited driving privilege. The court or the department director must review the results of a criminal history check prior to granting any limited driving privilege to any person denied a license for a period of 10 years or any person who cannot obtain a license for a period of five years. If the court or department director finds that the person applying for the limited driving privilege has been convicted, pled guilty to, or has been found guilty of or has a pending charge for an offense related to alcohol, controlled substances, or drugs or has had any other alcohol-related enforcement contact during the preceding three years for a 10-year denial petitioner or the preceding two years for a five-year denial petitioner, the court or the department director cannot grant a limited driving privilege. The person who petitions the court for a limited driving privilege must submit a criminal record review application with the State Highway Patrol and submit two sets of fingerprints. One set of fingerprints will be used by the patrol to search the criminal history repository, and the other set will be sent to the Federal Bureau of Investigation for searching the federal criminal history files. The person seeking a limited driving privilege must pay all fees related to the criminal history check.

#### DRIVER'S TRAINING (Section 302.130)

The bill allows the parent or legal guardian of a person learning to drive to designate, in writing, an individual who is at least 25 years old and has been a licensed driver for at least three years to escort or accompany the person with a temporary instruction permit.

#### FAILURE TO APPEAR IN COURT (Section 302.341)

Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record. The bill specifies that if the individual was operating a commercial motor vehicle or was a holder of a commercial driver's license at the time of the offense, he or she will not be eligible to have his or her license returned and the suspension removed from his or her driving record.

#### ADMINISTRATIVE HEARINGS (Section 302.530)

The bill allows an administrative hearing to revoke or suspend a



person's driver's license for an excessive blood alcohol content violation to be conducted at a regional location designated by the Director of the Department of Revenue instead of in the county where the arrest was made.

#### UNIFORM COMMERCIAL DRIVER'S LICENSE ACT (Sections 302.700 and 302.768)

The bill requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the specified requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

(1) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets specified federal rules and is required to obtain a medical examiner's certificate;

(2) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law, is subject to Missouri driver qualifications, and is not required to obtain a medical examiner's certificate;

(3) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or

(4) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements.

An applicant for a commercial driver's license certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver. The bill specifies the certification process. The state must retain the physical qualification document for at least three years beyond the date the certificate was issued. An applicant must provide an updated medical certificate or variance documents in order to maintain a certified status during the term of his or her license in order to retain commercial motor vehicle driving privileges. The Director of the Department of Revenue must post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification, and certification status to the Missouri driver record within 10 days, and the information will become part of the Commercial Driver's License Information System driver record. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the

department director discovers the falsification.

#### MISSOURI AUTO INSURANCE PLAN (Section 303.200)

The provisions regarding the Missouri Auto Insurance Plan are revised so that an insurance company that opts out of servicing its share of high risk drivers must be assessed a fee. The plan must contract with an entity or entities to accept and service policies for any company that does not elect to accept and service applicants and policies. By October 1 of each year, a company that elects to accept and service applicants and policies for the next calendar year must notify the plan. A company that does not must pay a fee to the plan for providing the services based on the company's market share on the kinds of insurance offered by the plan.

#### USE OF MUNICIPAL STREETS (Section 304.120)

A municipality must allow at least one route, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. No ordinance can deny the use of commercial vehicles on all routes within the municipality.

#### KANSAS CITY COMMERCIAL ZONE (Section 304.190)

The bill expands the Kansas City commercial zone by including the portion of State Route 45 from its intersection with Interstate 29 to the city limits of Iatan.

#### YELLOW LIGHT CHANGE INTERVAL TIMES (Section 304.289)

The bill requires the Department of Transportation to establish minimal yellow light change interval times for traffic-control devices. The interval time must be established in accordance with nationally recognized engineering standards in the Manual on Uniform Traffic Control Devices and cannot be less than the recognized national standard. The timing of any traffic-control signal must conform to regulations established by the department.

#### BOATING SAFETY IDENTIFICATION CARD (Section 306.127)

The bill repeals the current provisions regarding the issuance of a temporary boater education permit to a nonresident of the state and allows any person or company that rents or sells vessels to issue a temporary boating safety identification card to a nonresident to operate a rented vessel or a vessel being considered for sale, for a period of up to seven days, if the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the card, the

applicant must provide a valid driver's license establishing that he or she is a nonresident and must sign an affidavit stating that he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. The patrol must charge a fee of \$9 for the card. A nonresident will not be eligible for more than one card. The bill authorizes the patrol to develop the card and any necessary requirements and requires a business that issues a card to transmit the applicant's information and payment to the highway patrol using an electronic online registration process developed and provided by the highway patrol. The fee must be deposited into the Water Patrol Division Fund.

These provisions expire December 31, 2022.

#### LIABILITY INSURANCE FOR VEHICLE INSPECTION STATIONS (Sections 307.365 and 643.320)

The owner or operator of any motor vehicle inspection station must maintain liability insurance at all times to cover possible damage to vehicles during the inspection process as a condition of operating an official emissions inspection station.

#### HOUSEHOLD GOODS MOVERS (Sections 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, and 390.280)

The bill exempts a motor carrier transporting household goods in intrastate commerce from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission within the Department of Transportation. Currently, only a household goods motor carrier operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing this information with the commission, a household goods motor carrier engaged in intrastate commerce must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request.

A household goods motor carrier cannot participate in a joint tariff except for a joint tariff relating to joint rates for the transportation of household goods over any through routes or by interline service performed by two or more separate motor carriers. A household goods motor carrier participating in through routes or interline service must publish a joint tariff and evidence of concurrence or acceptance or an individual tariff for each participating carrier.

The bill removes the provision that prohibits a household goods

motor carrier from using any schedule of rates or charges that divides the state into territorial rate areas.

The commission must establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and a system for filing, logging, and responding to consumer complaints.

The bill specifies that the commission does not have the authority to fix the rates, tolls, charges, schedules, and joint rates with reference to the transportation of household goods. The rates and charges published by household goods carriers must be in force and be prima facie lawful, and all regulations, practices, and services prescribed by the commission will be in force and will be prima facie lawful and reasonable until found otherwise in a suit brought for that purpose under Chapter 387.

The bill vacates and sets aside, on August 28, 2012, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate orders require or prescribe any minimum, maximum, or minimum-and-maximum rates for the transportation of the goods.

Beginning August 28, 2012, no certificate or permit to transport household goods in intrastate commerce will be issued or renewed unless the applicant demonstrates compliance with state workers' compensation insurance coverage laws for all of its employees.

The bill removes the provision requiring a contract motor carrier transporting household goods to demonstrate that it is fit, willing, and able to perform the proposed service and that the proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. An applicant for a household goods moving certificate of authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit must be fit, willing, and able to perform the proposed service and must conform to other specified requirements.

The bill voids any geographic restriction or provision limiting a household goods motor carrier's scope of authority to particular routes within this state contained in a certificate or permit, or both, that was issued prior to August 28, 2012, and any similar provision contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff

schedules are reissued or amended to reflect the carrier's statewide operating authority.

#### PASSENGER VEHICLES (Sections 390.063 and 390.201)

The bill repeals the provisions that prohibit the operation of a motor vehicle that has a capacity of more than five passengers excluding the driver in intrastate commerce or more than 15 passengers including the driver in interstate commerce unless the vehicle is equipped and operated as required by specified federal regulations.

#### NONRESIDENT VIOLATOR COMPACT (Section 544.046)

Currently, the Department of Revenue is prohibited under the Nonresident Violator Compact from transmitting a report on a traffic violation of a nonresident of this state if the date of the transmission is more than six months after the citation was issued. The bill allows the department to transmit the report without any time restrictions if the citation was issued to an individual who was operating a commercial motor vehicle or was a commercial driver's license holder at the time of the offense.

The provisions of the bill regarding the commercial driver medical certification become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first.

The provisions of the bill regarding boating safety identification cards contain an emergency clause.