

HCS SB 51 -- MOTOR VEHICLES

SPONSOR: Munzlinger (Guernsey)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Agri-Business by a vote of 14 to 0.

This substitute changes the laws relating to the regulation of motor vehicles.

LICENSE PLATE TABS (Section 301.301)

Currently, any person replacing a stolen license plate tab may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied by a police report or a notarized affidavit verifying the tabs were stolen. The substitute repeals the provision allowing the application to be accompanied by a police report.

REINSTATEMENT OF DRIVERS LICENSE (Section 302.341)

The substitute removes the requirement for the Director of Department of Revenue to, upon proof of the disposition of charges and payment of the fine and court costs, return a suspended driver's license and remove the suspension from the driver's driving record if the individual was not operating a commercial motor vehicle or was not a commercial driver's license holder at the time of the offense.

COMMERCIAL DRIVERS' LICENSES (Sections 302.700 - 302.755 and 304.820)

The substitute changes the laws regarding commercial motor vehicles to conform with Federal Motor Carrier Safety Administration regulations. In its main provisions the substitute:

- (1) Revises the definition of "disqualification" to include the suspension, revocation, or cancellation of a commercial driver's instruction permit;
- (2) Defines "electronic device" as a device that includes but is not limited to a cell phone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;
- (3) Defines "mobile telephone" as a mobile communication device that is classified as or uses a commercial mobile radio service, but does not include a two-way or citizens band radio service;

(4) Revises the definition of "serious traffic violation" to include a violation of state or local law on motor vehicle traffic control prohibiting texting or the use of a mobile telephone while driving a commercial motor vehicle;

(5) Defines "texting" as manually entering text into or reading text from an electronic device including short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a call on a mobile telephone, or engaging in another form of electronic text retrieval or entry;

(6) Requires all applicants for a commercial driver's license to maintain the appropriate class of commercial driver's instruction permit issued by this state or another state for a minimum of 14 calendar days prior to the date of completing skills testing;

(7) Changes the laws regarding the amount of time a military member must be regularly employed to receive a waiver from the commercial motor vehicle driving skills test. Currently, the member must be regularly employed in a job requiring the operation of a commercial motor vehicle and has operated the vehicle for at least 60 days during the two years immediately preceding his or her application for a commercial driver's license. The substitute requires the military member to be regularly employed in a military position within the last 90 days for the member to obtain the skills test waiver;

(8) Changes nonresident commercial driver's licenses to nondomiciled commercial driver's licenses and changes the provisions for obtaining a nondomiciled commercial driver's license;

(9) Requires a commercial driver's instruction permit to include the same information as a commercial driver's license and contain the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT";

(10) Requires a disqualification period to be in addition to any other previous periods of disqualification in a manner consistent with federal law, unless the major or serious violations are a result of the same incident; and

(11) Prohibits a person from texting or using a hand-held mobile telephone while operating a moving commercial motor vehicle. Currently, only a person less than 21 years of age is prohibited from texting while driving. A person convicted of texting or using a hand-held mobile telephone while driving a commercial motor vehicle may have his or her commercial driver's license disqualified.

REMOVAL OF UNATTENDED VEHICLES BY LAW ENFORCEMENT (Sections 304.022, 304.153 and 304.154)

The substitute requires the Department of Public Safety to establish a rotation list procedure to be followed by law enforcement agencies for the removal of a vehicle left unattended on private property and certain roadways. The State Highway Patrol must establish a rotation list of qualified towing companies to remove disabled vehicles within its jurisdiction. Criteria for inclusion on the list must include:

- (1) A towing company must not respond to a disabled vehicle as a result of monitoring emergency radio transmissions;
- (2) The towing company must be able to respond within a reasonable time; and
- (3) The towing company must have the proper equipment and qualified personnel to respond to calls.

A towing company that violates the criteria must be removed from the list for a specified period of time dependent on any previous violations. The law enforcement agency must establish a procedure to appeal the removal. The rotation list must not be used if the owner of the disabled vehicle requests a specific towing company.

This substitute also requires a towing company to:

- (1) Have an address displayed that is visible from the street;
- (2) Have a fenced storage area at least 7 foot tall and with at least 2,000 square feet of inside or outside storage area;
- (3) Be open at least eight hours per day between 7:00 a.m. and 8:00 p.m. for cars to be retrieved;
- (4) Have an operational telephone with a number published or available through directory assistance;
- (5) Maintain insurance as prescribed by the United States Department of Transportation; and
- (6) Be certified by the Towing and Recovering Association of America, any state or federally funded program, or industry-recognized program at an appropriate level.

Currently, towing companies in second, third, and fourth classification counties are exempt from these requirements. The

substitute removes the exemption for second class counties.

VEHICLES HAULING AGRICULTURAL PRODUCTS (Section 304.180)

Currently, the total gross weight of a vehicle or combination of vehicles hauling livestock on select highways in the state cannot exceed 85,500 pounds. The substitute allows any vehicle hauling livestock or agricultural products, not including local log trucks, to exceed 85,500 pounds on any highway of this state. Any vehicle hauling livestock or agricultural products weighing more than 80,000 pounds must apply for a permit from the Department of Transportation yearly and must receive the permit upon paying the \$25 fee. Upon renewal of the permit, the applicant must submit to the department a list of roads traveled and the number of miles traveled on each road during the year.

RECYCLABLE WASTE (Section 304.184)

The substitute allows a truck hauling recyclable waste for use in the production of animal feed to a recycling facility approved by the Department of Natural Resources, Department of Health and Senior Services, or Department of Revenue to carry the same weight as a truck carrying solid waste.

MOTORIZED BICYCLES (Section 307.180)

Currently a "motorized bicycle" is defined as any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of no more than 50 cubic centimeters that produces less than three gross brake horsepower and is capable of propelling the device at a maximum speed of no more than 30 miles per hour on level ground. The substitute revises the definition to increase the gross brake horsepower production to less than four gross brake horsepower and a maximum speed of 38 miles per hour on level ground.

TRANSPORTATION OF AGRICULTURAL COMMODITIES (Section 307.400)

Currently, the federal regulations relating to hours of service do not apply to Missouri drivers transporting agricultural commodities or farm supplies if certain conditions are met. The substitute repeals the provision.

Currently, certain federal regulations regarding the equipment and operation of motor vehicles do not apply to commercial motor vehicles that transport property in intrastate commerce if the vehicles have a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less. The exception must not apply to covered farm vehicles that require a placard for hazardous

materials under federal law.

PROPONENTS: Supporters say that the bill will bring Missouri in line with the requirements of the federal transportation bill. It will also make it easier for farmers near the state border to haul their own crops to market.

Testifying for the bill were Senator Munzlinger; Missouri Department of Transportation; Missouri Corn Growers Association; and Missouri Farm Bureau.

OPPONENTS: There was no opposition voiced to the committee.