

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 275, Page 2, Section 302.335, Line 23, by
2 inserting after all of said section and line the following:

3
4 "304.231. 1. The Missouri state highway patrol has the authority to authorize, approve, and
5 operate weigh station and inspection site commercial bypass services. The Missouri department of
6 transportation has the authority to approve construction designs for weigh-in-motion system
7 installations on public roads.

8 2. The Missouri state highway patrol shall create a competitive marketplace for businesses
9 utilizing multiple commercial bypass system providers if multiple providers exist. If there are no
10 commercial providers, then the Missouri state highway patrol is not required to provide bypass
11 services.

12 3. Commercial bypass service providers shall provide unrestricted real-time data access to
13 their weigh-in-motion systems and associated equipment to the state. Such real-time data shall be
14 considered open records under the provisions of chapter 610 and, if requested under the provisions
15 of such chapter, shall be provided in real-time.

16 4. To avoid duplicative weight bypass sensors at each weigh station site, the Missouri state
17 highway patrol shall allow only one set of sensors at each weigh station site and shall allocate
18 reasonable cost sharing based on use among all users sharing the system, with a cost base to include
19 costs of ongoing support and maintenance and any undepreciated capital costs.

20 5. The Missouri state highway patrol shall allow market forces to determine the location and
21 number of service sites each commercial weigh station bypass chooses to operate in the state.

22 6. No state employee, representative, or designee under section 304.230 shall be an officer
23 or director of any entity that provides weigh-in-motion services within the state. No state employee,
24 representative, or designee under section 304.230 shall owe any duty, fiduciary or otherwise, to an
25 entity that provides weigh-in-motion services within the state. Contracts in derogation of this
26 subsection shall be unenforceable as against the public policy of this state.

27 7. Application to establish or operate a weigh station and inspection site bypass service site
28 shall be made to the Missouri state highway patrol in the form of a request for a memorandum of
29 understanding, signed by the entity seeking to establish or operate the service site.

30 8. The Missouri state highway patrol shall promulgate the rules and regulations necessary to

Action Taken _____ Date _____

1 effect this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is
2 created under the authority delegated in this section shall become effective only if it complies with
3 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
4 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
5 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
7 adopted after August 28, 2017, shall be invalid and void.

8 9. The Missouri state highway patrol may set criteria for the installation of weigh-in-motion
9 sensors or other technologies into the roadway or right-of-way that do not exceed American Society
10 for Testing and Materials Type I standards. Such criteria shall be neutral as to what technology is
11 implemented. The Missouri state highway patrol shall require commercial weigh station and
12 inspection site bypass service providers, when making bypass determinations, to adjust all weight
13 readings upward by the amount equal to the level of inaccuracy tested in the installed weigh-in-
14 motion system.

15 10. The Missouri state highway patrol shall approve or deny requests for a memorandum of
16 understanding within ninety days of receipt. Any denial shall state the reason or reasons for the
17 denial. Any such decision is subject to review by the administrative hearing commission."; and

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19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.