

FIRST REGULAR SESSION

# HOUSE BILL NO. 371

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DUSENBERG, BROWN, YATES, JACKSON, PRATT,  
WILSON (119), SAGER (Co-sponsors), BAKER, PEARCE, BIVINS, KING, TAYLOR, DOUGHERTY,  
STEVENSON, SMITH (14), WALTON, LUETKEMEYER AND YAEGER.

Read 1<sup>st</sup> time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1369L.011

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### AN ACT

To repeal sections 307.177 and 307.400, RSMo, and to enact in lieu thereof two new sections relating to hazardous waste carriers, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 307.177 and 307.400, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 307.177 and 307.400, to read as follows:

307.177. 1. It is unlawful for any person to operate any bus, truck, truck-tractor and  
2 trailer combination, or other commercial motor vehicle and trailer upon any highway of this  
3 state, whether intrastate transportation or interstate transportation, [transporting materials defined  
4 and classified as hazardous by the United States Department of Transportation pursuant to Title  
5 49 of the Code of Federal Regulations,] **unless such transportation is conducted in  
6 accordance with the hazardous material regulations established by the United States  
7 Department of Transportation pursuant to Title 49, Code of Federal Regulations,** as such  
8 regulations have been and may periodically be amended[, unless such vehicle is equipped with  
9 the equipment required by and be operated in accordance with safety and hazardous materials  
10 regulations for such vehicles as adopted by the United States Department of Transportation].

11 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
12 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of  
13 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were  
14 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.**

15           3. Failure to comply with the requirements of this section may result in the commercial  
16 motor vehicle and trailer and driver of such vehicle and trailer being placed out of service.  
17 Criteria used for placing drivers and vehicles out of service are the North American Uniform  
18 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United  
19 States Department of Transportation, as such criteria have been and may periodically be  
20 amended.

21           4. Violation of this section shall be deemed a class A misdemeanor.

          307.400. 1. It is unlawful for any person to operate any commercial motor vehicle  
2 licensed for more than twelve thousand pounds, **as defined in Title 49, Code of Federal**  
3 **Regulations, Part 390.5**, either singly or in combination with a trailer, as both vehicles are  
4 defined in section 301.010, RSMo, **and in Title 49, Code of Federal Regulations, Part 390.5**,  
5 unless such vehicles are equipped and operated as required by Parts 390 through 397, Title 49,  
6 Code of Federal Regulations, as such regulations have been and may periodically be amended,  
7 whether intrastate transportation or interstate transportation. Members of the Missouri state  
8 highway patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to  
9 inspect the contents when reasonable grounds exist to cause belief that the vehicle is transporting  
10 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of  
11 the department of public safety is hereby authorized to further regulate the safety of commercial  
12 motor vehicles and trailers as he deems necessary to govern and control their operation on the  
13 public highways of this state by promulgating and publishing rules and regulations consistent  
14 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by  
15 the director, require:

16           (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in  
17 a safe condition at all times;

18           (2) Accidents arising from or in connection with the operation of commercial motor  
19 vehicles and trailers to be reported to the department of public safety in such detail and in such  
20 manner as the director may require.

21  
22 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this  
23 section shall not apply to any commercial motor vehicle operated in intrastate commerce and  
24 licensed for a gross weight of sixty thousand pounds or less when used exclusively for the  
25 transportation of solid waste or forty-two thousand pounds or less when the license plate has  
26 been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri,  
27 unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal  
28 Regulations.

29           2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part

30 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of  
31 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were  
32 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.  
33 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this  
34 state may operate such vehicle intrastate at the age of eighteen years or older, except that any  
35 person transporting hazardous material must be at least twenty-one years of age.

36 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service  
37 if the vehicles are not equipped and operated according to the requirements of this section.  
38 Criteria used for placing vehicles and drivers out of service are the North American Uniform  
39 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United  
40 States Department of Transportation, as such criteria have been and may periodically be  
41 amended.

42 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part  
43 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any  
44 vehicle owned or operated by any public utility, rural electric cooperative or other public service  
45 organization, or to the driver of such vehicle, while providing restoration of essential utility  
46 services during emergencies and operating intrastate. For the purposes of this subsection, the  
47 term "essential utility services" means electric, gas, water, telephone and sewer services.

48 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall  
49 not apply to drivers transporting agricultural commodities or farm supplies for agricultural  
50 purposes in this state if such transportation:

51 (1) Is limited to an area within a one hundred air mile radius from the source of the  
52 commodities or the distribution point for the farm supplies; and

53 (2) Is conducted during the planting and harvesting season within this state, as defined  
54 by the department of public safety by regulation.

55 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to  
56 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations  
57 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains  
58 and retains for a period of six months accurate and true records showing:

59 (1) The total number of hours the driver is on duty each day; and

60 (2) The time at which the driver reports for, and is released from, duty each day.

61 7. Violation of any provision of this section or any rule promulgated as authorized  
62 therein is a class B misdemeanor.

63 8. No rule or portion of a rule promulgated under the authority of this chapter shall  
64 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
65 RSMo.