

FIRST REGULAR SESSION

# HOUSE BILL NO. 725

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KINGERY, CRAWFORD AND SCHLOTTACH (Co-sponsors).

Read 1<sup>st</sup> time April 3, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2158L.011

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### AN ACT

To repeal sections 301.041, 390.136, 390.340, 622.095, and 622.618, RSMo, and to enact in lieu thereof four new sections relating to registration of commercial motor vehicles.

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

Section A. Sections 301.041, 390.136, 390.340, 622.095, and 622.618, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections 308.280,  
3 308.283, 308.600, and 308.620, to read as follows:

[390.136.] **308.280.** 1. No motor carrier, except as provided in section 390.030, **RSMo**,  
2 shall operate any motor vehicle unless such vehicle shall be accompanied by an annual or  
3 seventy-two-hour, **regulatory** license issued by the [motor carrier and railroad safety division  
4 of the department of economic development] **state highways and transportation commission**;  
5 provided that when a motor carrier uses a truck-tractor for pulling trailers or semitrailers, such  
6 motor carrier may elect to license either the truck-tractor, trailer or semitrailer. The fee for each  
7 such [annual] **regulatory** license shall be ten dollars **per year** and shall be due and payable [on  
8 or before the last day of February of each calendar year] **as provided in this section**. Such  
9 [annual] license shall be issued [after October first of each year] in such form, **prorated by**  
10 **quarter if applicable**, and shall be used pursuant to such reasonable rules and regulations as [the  
11 division of motor carrier and railroad safety may, by general order or otherwise, prescribe] **may**  
12 **be prescribed**.

13 2. Any [annual] **regulatory** license issued to a motor carrier for use in driveway  
14 operations, as defined in this section, shall be issued to such motor carrier without reference to  
15 any particular vehicle and may be used interchangeably by the holder thereof on any motor

**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 proposed language.**

16 vehicle or combinations thereof moving in driveaway operations under such carrier's **property**  
17 **carrier registration**, certificate, or permit.

18 3. In case of emergency, temporary, unusual or a peak demand for transportation,  
19 additional vehicles as described in subsection 1 of this section may be operated upon issuance  
20 [by the division] of a seventy-two-hour license for each vehicle so operated. The license fee for  
21 each such additional vehicle shall be the sum of five dollars for each seventy-two consecutive  
22 hours, or any portion thereof. Such licenses shall be issued, **renewed, and staggered** in such  
23 form and shall be used pursuant to such reasonable rules and regulations as the [division may,  
24 by general order or otherwise,] **commission may** prescribe. No such additional vehicle which  
25 has been licensed pursuant to this subsection shall be operated without being accompanied by  
26 such license.

27 4. The [division, upon] **commission shall collect the applicable license fee prior to the**  
28 issuance of such license or licenses provided for in this section, **and** shall [notify the director of  
29 revenue, who shall] receive the license fee or fees and immediately deposit the same [with the  
30 state treasurer in] **to the credit of the state [highway] highways and transportation** department  
31 fund except **as otherwise provided in section 308.600, or** when an agreement has been  
32 negotiated with another jurisdiction whereby prepayment is not required. In such cases, **section**  
33 **308.600, if applicable, or the [term] terms** of the agreement shall prevail.

34 5. Any person operating as a motor carrier who violates or fails to comply with any of  
35 the provisions of this section shall be adjudged guilty of a misdemeanor and, upon conviction  
36 thereof, shall be punished by a fine of not more than one hundred dollars.

37 6. The [provisions of this section shall become effective for the 1989 registration year,  
38 and the] regulatory **license fee provided in this section** may be paid at any state weigh station.

39 7. **Every license issued pursuant to this section shall state its effective date and**  
40 **expiration date. Notwithstanding any provision of law to the contrary, the commission**  
41 **may stagger the issuance of licenses pursuant to this section to begin at quarterly intervals**  
42 **during any calendar year. Not later than the expiration date of the current license, or as**  
43 **otherwise prescribed, each motor carrier shall pay the regulatory license fee for each**  
44 **vehicle that the carrier will operate during the next yearly period. The commission may**  
45 **issue partial or over one-year licenses during the transition from an annual license, to**  
46 **accommodate motor carriers in adding vehicles to their operations during the year, to**  
47 **coordinate the dates for a single carrier's licensing of multiple licenses, or for such other**  
48 **reasons as approved by the commission.**

[390.340. Notwithstanding any provisions of section 390.136, to the contrary, beginning  
2 with the first calendar year after August 28, 1996,] **308.283. Except as otherwise provided in**  
3 **section 308.280 or 308.600, the annual licenses required pursuant to section [390.136] 308.280,**

4 with reference to motor vehicles operated by motor carriers shall be effective from January first  
5 to December thirty-first of the year for which they are issued, and the annual license fees for each  
6 calendar year shall be due and payable on or before the thirty-first day of December in the year  
7 immediately preceding the year for which they are issued. The [division shall] **state highways**  
8 **and transportation commission** may begin issuing the annual licenses on August first of each  
9 year for the succeeding calendar year, but this shall not preclude the [division] **commission** from  
10 continuing to issue the current year's licenses as needed for the remainder of the current calendar  
11 year.

[622.095.] **308.600.** 1. In addition to its other powers, the [division of motor carrier and  
2 railroad safety] **state highways and transportation commission** may negotiate and enter into  
3 fair and equitable cooperative agreements or contracts with other states, the District of Columbia,  
4 territories and possessions of the United States, foreign countries, and any of their officials,  
5 agents or instrumentalities, to promote cooperative action and mutual assistance between the  
6 participating jurisdictions with regard to the uniform administration and registration, through a  
7 single base jurisdiction for each registrant, of [interstate commerce commission] **Federal Motor**  
8 **Carrier Safety Administration** operating authority and exempt operations by motor vehicles  
9 operated in interstate **or intrastate** commerce. Notwithstanding any other provision of law to  
10 the contrary, and in accordance with the provisions of such agreements or contracts between  
11 participating jurisdictions, the [division] **commission** may:

12 (1) Delegate to other participating jurisdictions the authority and responsibility to collect  
13 and pay over [to the division] statutory registration, administration or license fees; to receive,  
14 approve and maintain the required proof of public liability insurance coverage; to receive,  
15 process, maintain and transmit registration information and documentation; to issue evidence of  
16 proper registration in lieu of [interstate] **certificates, licenses, or permits** [under section 390.071,  
17 RSMo; to] **which the commission may** issue motor vehicle licenses or identifiers in lieu of  
18 [annual] **regulatory** licenses under section [390.136, RSMo] **308.280**; and to suspend or revoke  
19 any **credential**, approval, registration, **certificate, permit**, license or identifier referred to in this  
20 section, as agents on behalf of the [division] **commission** with regard to motor vehicle operations  
21 by persons having a base jurisdiction other than this state;

22 (2) Assume the authority and responsibility on behalf of other jurisdictions participating  
23 in such agreements or contracts to collect and direct the department of revenue to pay over to the  
24 appropriate jurisdictions statutory registration, administration or license fees, and to perform all  
25 other activities described in subdivision (1) of this subsection, on its own behalf or as an agent  
26 on behalf of other participating jurisdictions, with regard to motor vehicle operations in interstate  
27 **or intrastate** commerce by persons having this state as their base jurisdiction;

28 (3) Establish or modify dates for the payment of fees and the issuance of annual motor

29 vehicle licenses or identifiers in conformity with such agreements or contracts, notwithstanding  
30 any provisions of section [390.136, RSMo,] **308.280** to the contrary; and

31 (4) Modify, cancel or terminate any of the agreements or contracts.

32 2. Notwithstanding the provisions of section [390.136, RSMo] **308.280**, statutory  
33 registration, administration, or license fees collected by the [division] **commission** on behalf of  
34 other jurisdictions under such agreements or contracts are hereby designated as "nonstate funds"  
35 within the meaning of section 15, article IV, Constitution of Missouri, and shall be immediately  
36 transmitted to the department of revenue of the state for deposit to the credit of a special fund  
37 which is hereby created and designated as the "Base State Registration Fund". The [division]  
38 **commission** shall [not less frequently than once each month] direct the payment of, and the  
39 director of revenue shall pay, the fees so collected to the appropriate other jurisdictions. All  
40 income derived from the investment of the base state registration fund by the director of revenue  
41 shall be credited to the [highway] **state highways and transportation** department fund.

42 3. "Base jurisdiction", as used in this section, means the jurisdiction participating in such  
43 agreements or contracts where the registrant has its principal place of business.

44 4. Every person who has properly registered his **or her intrastate or** interstate  
45 [commerce commission] operating authority or exempt operations with his **or her** base  
46 jurisdiction and maintains such registration in force in accordance with such agreements or  
47 contracts is authorized to operate in [interstate] **like** commerce within this state any motor  
48 vehicle which is accompanied by a valid annual license or identifier issued by his base  
49 jurisdiction in accordance with such agreements or contracts, notwithstanding any provision of  
50 [section 390.071, 390.126 or 390.136, RSMo,] **this chapter** or rules of the [division]  
51 **commission** to the contrary.

52 **5. Notwithstanding any provision of law to the contrary, the commission may**  
53 **stagger and prorate the payment and collection of license fees pursuant to this section for**  
54 **the purposes of:**

55 **(1) Coordinating the issuance of regulatory license and this section, or both, with**  
56 **the issuance of other motor carrier credentials; and**

57 **(2) Complying with any federal law or regulation.**

[301.041] **308.620.** 1. All commercial motor vehicles and trailers registered pursuant  
2 to this section or to be operated under **reciprocity** agreements [as provided for in sections  
3 301.271 to 301.279] shall be registered annually, **or in the discretion of the state highways and**  
4 **transportation commission, registered for a one-year period beginning on the first day of**  
5 **a quarter during such year and in such manner as the commission may determine by**  
6 **regulation. The commission may issue prorated registrations pursuant to this section for**  
7 **periods of not greater than or less than one year during the transition to a nonannual year**

8 **registration. The penalties assessed in subsections 2 and 3 of this section shall apply but**  
9 **shall be assessed as provided in subsection 2 of this section three months prior to the**  
10 **beginning date of the registration and shall be assessed as provided in subsection 3 of this**  
11 **section one month prior to the beginning date of the registration. The commission may**  
12 **issue a prorated, by quarter, partial year registration at any time for additions to a fleet**  
13 **made after an initial registration of such fleet, or such other reasons as approved by the**  
14 **commission or its delegate upon the request of the registrant.**

15         2. An application for renewal registration pursuant to this section shall be made with all  
16 required documents on or before October first of each year. Renewal applications received after  
17 October first shall be assessed a penalty of one hundred dollars. The [director or his or her]  
18 **commission's** designee may waive the penalty pursuant to this subsection for good cause.

19         3. Fees for commercial motor vehicles and trailers renewed pursuant to this section shall  
20 be paid no later than December first of each year except for payments made on an installment  
21 basis as provided in subsection 4 of this section. Renewal application fees not paid by December  
22 first shall be assessed a penalty of fifty dollars per vehicle, but in no case shall such penalty  
23 exceed one hundred fifty dollars per application. The [director or his or her] **commission's**  
24 designee may, for good cause, waive or reduce any penalties assessed pursuant to this subsection.

25         4. Any owner of a commercial motor vehicle or trailer operated pursuant to this section  
26 or **reciprocity** agreements [provided in sections 301.271 to 301.279] may elect to pay the  
27 Missouri portion of the annual registration fee in two equal installments, except that no such  
28 installment shall be less than one hundred dollars. The first installment shall be payable on or  
29 before December first, and the second installment shall be payable on or before June first of that  
30 registration year. Every owner electing to pay on an installment basis shall file [with the director  
31 of the department of revenue,] on or before December first, a surety bond, certificate of deposit  
32 or irrevocable letter of credit as defined in section 400.5-103, RSMo, to guarantee the payment  
33 of the second installment. The bond or certificate or letter of credit shall be in an amount equal  
34 to the payment guaranteed. **The commission may require by regulation such installments to**  
35 **be filed at other times of the year if a nonannual registration is issued pursuant to**  
36 **subsection 1 of this section.**

37         5. If a new application for registration of a commercial vehicle or trailer is made other  
38 than as specified in subsection 1 of this section, the registration [fee shall be prorated as follows:

39             (1) For applications made between April first and June thirtieth, the applicant shall pay  
40 three-fourths of the annual registration fee;

41             (2) For applications made between July first and September thirtieth, the applicant shall  
42 pay one-half of the annual registration fee; and

43             (3) For applications made after October first of the current registration year, the applicant

44 shall pay one-fourth of the annual registration fee] **shall begin on the first day of the quarter**  
45 **in which the person is applying.**

46 6. Any applicant who fails to timely renew his or her registration with all required  
47 documents pursuant to this section or who fails to timely pay any fees and penalties owed  
48 pursuant to this section shall not be issued a temporary registration for a motor vehicle or a trailer  
49 issued pursuant to this section or under **reciprocity** agreements [as provided for in sections  
50 301.271 and 301.279]. Nothing in this section shall prohibit the issuance of temporary  
51 registration credentials for additions to the registrant's fleet subsequent to renewal.

52 7. The applicant for registration pursuant to this section shall affix the registration plate  
53 issued [by the director] to the front of the vehicle in accordance with the provisions of section  
54 301.130. Any vehicle required to be registered pursuant to this section shall display the plate  
55 issued to that vehicle no later than December thirty-first of each year **or the last day of the**  
56 **quarter preceding the quarter in which the registration begins.** Failure to display the  
57 registration [plates] **plate** required by this section shall constitute a class A misdemeanor.

58 8. The [director of revenue] **commission** may prescribe rules and regulations for the  
59 effective administration of this section.

60 9. Any current registration or plate for which all fees have been paid for a commercial  
61 trailer previously issued pursuant to **reciprocity** agreements [provided for in sections 301.271  
62 and 301.277] shall remain valid even if such agreements no longer require apportionment of such  
63 trailers under such agreements, and such trailers may continue to be registered pursuant to this  
64 section.

65 10. Notwithstanding any other law to the contrary, the [highway reciprocity] commission  
66 shall have the authority pursuant to this chapter to issue permanent and temporary registrations  
67 on commercial trailers whether or not the registration is issued pursuant to **reciprocity**  
68 agreements [as provided in sections 301.271 to 301.279]. The provisions of subsection 1 of  
69 section 301.190 shall not apply to registrations issued pursuant to this subsection, provided the  
70 carrier or person to whom the registration is issued has at least one tractor as defined in section  
71 301.010 registered with the state of Missouri pursuant to this section.

72 11. Commercial trailer plates issued pursuant to this section shall in all other respects  
73 conform to and have the same requirements as those issued pursuant to subsection 3 of section  
74 301.067. Such plates may contain the legend ["HRC TLR"] "**COMM TRL**" in preference to  
75 the words "SHOW-ME STATE".

2 [622.618. Notwithstanding any provisions of section 390.136, RSMo, to the  
3 contrary, beginning with the first calendar year after August 28, 1996, the annual  
4 licenses required pursuant to section 390.136, RSMo, with reference to motor  
5 vehicles operated by motor carriers shall be effective from January first to December  
thirty-first of the year for which they are issued, and the annual license fees for each

6           calendar year shall be due and payable on or before the thirty-first day of December  
7           in the year immediately preceding the year for which they are issued. The division  
8           shall begin issuing the annual licenses on August first of each year for the succeeding  
9           calendar year, but this shall not preclude the division from continuing to issue the  
10          current year's licenses as needed for the remainder of the current calendar year.]