

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 371
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 15, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1369S.07C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 302.700, 307.177, and 307.400, RSMo, and to enact in lieu thereof three new sections relating to commercial motor vehicles, with penalty provisions.

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

Section A. Sections 302.700, 307.177, and 307.400, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 302.700, 307.177, and
3 307.400, to read as follows:

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases
4 mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but not
6 limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one hundred
8 milliliters of blood or the number of grams of alcohol per two hundred ten liters of breath
9 or the number of grams of alcohol per sixty-seven milliliters of urine;

10 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
11 302.720;

12 (4) "Commercial driver's license", a license issued by this state to an individual
13 which authorizes the individual to operate a commercial motor vehicle;

14 (5) "Commercial driver's license information system", the information system
15 established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 Pub. Law 99-570) to serve as a clearinghouse for locating information related to the
17 licensing and identification of commercial motor vehicle drivers;

18 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport
19 passengers or property:

20 (a) If the vehicle has a gross combination weight rating of twenty-six thousand
21 one or more pounds inclusive of a towed unit which has a gross vehicle weight rating of
22 ten thousand one pounds or more;

23 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or
24 more pounds or such lesser rating as determined by federal regulation;

25 (c) If the vehicle is designed to transport more than fifteen passengers, including
26 the driver; or

27 (d) If the vehicle is transporting hazardous materials and is required to be
28 placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);

29 (7) "Controlled substance", any substance so classified under section 102(6) of the
30 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in
31 schedules I through V of 21 CFR part 1308, as they may be revised from time to time;

32 (8) "Conviction", an unvacated adjudication of guilt, or a determination that a
33 person has violated or failed to comply with the law in a court of original jurisdiction or
34 an authorized administrative proceeding, an unvacated forfeiture of bail or collateral
35 deposited to secure the person's appearance in court, the payment of a fine or court cost,
36 or violation of a condition of release without bail, regardless of whether the penalty is
37 rebated, suspended or prorated;

38 (9) "Director", the director of revenue or his authorized representative;

39 (10) "Disqualification", a withdrawal of the privilege to drive a commercial motor
40 vehicle;

41 (11) "Drive", to drive, operate or be in physical control of a commercial motor
42 vehicle;

43 (12) "Driver", any person who drives, operates, or is in physical control of a
44 commercial motor vehicle, or who is required to hold a commercial driver's license;

45 (13) "Driving under the influence of alcohol", the commission of any one or more
46 of the following acts in a commercial motor vehicle:

47 (a) Driving a commercial motor vehicle with the alcohol concentration of four
48 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
49 concentration as may be later determined by the secretary by regulation;

50 (b) Driving while intoxicated in violation of any federal or state law, or in
51 violation of a county or municipal ordinance;

52 (c) Driving with excessive blood alcohol content in violation of any federal or
53 state law, or in violation of a county or municipal ordinance;

54 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo,
55 section 302.750, any federal or state law, or a county or municipal ordinance; or

56 (e) Having any state, county or municipal alcohol-related enforcement contact,
57 as defined in subsection 3 of section 302.525;

58 (14) "Driving under the influence of a controlled substance", the commission of
59 any one or more of the following acts in a commercial motor vehicle:

60 (a) Driving a commercial motor vehicle while under the influence of any
61 substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C.
62 802(6)), including any substance listed in schedules I through V of 21 CFR part 1308, as
63 they may be revised from time to time;

64 (b) Driving a commercial motor vehicle while in a drugged condition in violation
65 of any federal or state law or in violation of a county or municipal ordinance; or

66 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo,
67 section 302.750, any federal or state law, or a county or municipal ordinance;

68 (15) "Employer", any person, including the United States, a state, or a political
69 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver
70 to operate such a vehicle;

71 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a
72 farmer used exclusively for the transportation of agricultural products, farm machinery,
73 farm supplies, or a combination of these, within one hundred fifty miles of the farm,
74 other than one which requires placarding for hazardous materials as defined in this
75 section, or used in the operation of a common or contract motor carrier, except that a
76 farm vehicle shall not be a commercial motor vehicle when the total combined gross
77 weight rating does not exceed twenty-six thousand one pounds when transporting
78 fertilizers as defined in subdivision (19) of this subsection;

79 (17) "Felony", any offense under state or federal law that is punishable by death
80 or imprisonment for a term exceeding one year;

81 (18) **"Gross combination weight rating" or "GCWR", the value specified**
82 **by the manufacturer as the loaded weight of a combination (articulated)**
83 **vehicle. In the absence of a value specified by the manufacturer, GCWR will**
84 **be determined by adding the GVWR of the power unit and the total weight of**
85 **the towed unit and any load thereon;**

86 (19) "Gross vehicle weight rating" or "GVWR", the value specified by the
87 manufacturer [or manufacturers] as the [maximum] loaded weight of a single [or a

88 combination] vehicle[, or registered gross weight, whichever is greater. The GVWR of
89 a combination vehicle, commonly referred to as the "gross combination weight rating" or
90 "GCWR", is the GVWR of the power unit plus the GVWR of the towed unit or units];

91 [(19)] **(20)** "Hazardous materials", hazardous materials as specified in section
92 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers,
93 including but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous
94 ammonia, lime, potash, motor fuel or special fuel shall not be considered hazardous
95 materials when transported by a farm vehicle provided all other provisions of this
96 definition are followed;

97 [(20)] **(21)** "Motor vehicle", any self-propelled vehicle not operated exclusively
98 upon tracks;

99 [(21)] **(22)** "Out of service", a temporary prohibition against the operation of a
100 commercial motor vehicle by a particular driver, or the operation of a particular
101 commercial motor vehicle, or the operation of a particular motor carrier;

102 [(22)] **(23)** "Out-of-service order", a declaration by the Federal Highway
103 Administration, or any authorized enforcement officer of a federal, state, Commonwealth
104 of Puerto Rico, Canadian, Mexican or any local jurisdiction, that a driver, or a
105 commercial motor vehicle, or a motor carrier operation, is out of service;

106 [(23)] **(24)** "Secretary", the Secretary of Transportation of the United States;

107 [(24)] **(25)** "Serious traffic violation", driving a commercial motor vehicle in such
108 a manner that the driver receives a conviction for:

109 (a) Excessive speeding, as defined by the secretary by regulation;

110 (b) Careless, reckless or imprudent driving which includes, but shall not be
111 limited to, any violation of section 304.016, RSMo, any violation of section 304.010,
112 RSMo, or any other violation of state law, or any county or municipal ordinance while
113 driving a commercial motor vehicle in a willful or wanton disregard for the safety of
114 persons or property, or improper or erratic traffic lane changes, or following the vehicle
115 ahead too closely, but shall not include careless and imprudent driving by excessive
116 speed;

117 (c) A violation of any state law or county or municipal ordinance regulating the
118 operation of motor vehicles arising out of an accident or collision which resulted in death
119 to any person, other than a parking violation; or

120 (d) Any other violation of a state law or county or municipal ordinance regulating
121 the operation of motor vehicles, other than a parking violation, as prescribed by the
122 secretary by regulation;

123 [(25)] **(26)** "State", a state, territory or possession of the United States, the

124 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of
125 Canada;

126 [(26)] (27) "United States", the fifty states and the District of Columbia.

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

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

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

24 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**
3 **Federal Regulations, Part 390.5,** either singly or in combination with a trailer, as
4 both vehicles are defined in [section 301.010, RSMo,] **Title 49, Code of Federal**
5 **Regulations, Part 390.5,** unless such vehicles are equipped and operated as required
6 by Parts 390 through 397, Title 49, Code of Federal Regulations, as such regulations
7 have been and may periodically be amended, whether intrastate transportation or
8 interstate transportation. Members of the Missouri state highway patrol are authorized
9 to enter the cargo area of a commercial motor vehicle or trailer to inspect the contents

10 when reasonable grounds exist to cause belief that the vehicle is transporting hazardous
11 materials as defined by Title 49 of the Code of Federal Regulations. The director of the
12 department of public safety is hereby authorized to further regulate the safety of
13 commercial motor vehicles and trailers as he deems necessary to govern and control their
14 operation on the public highways of this state by promulgating and publishing rules and
15 regulations consistent with this chapter. Any such rules shall, in addition to any other
16 provisions deemed necessary by the director, require:

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

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

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

29 2. Notwithstanding the provisions of subsection 1 of this section to the contrary,
30 Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical
31 requirements of drivers shall not be applicable to drivers in intrastate commerce,
32 provided such drivers were licensed by this state as chauffeurs to operate commercial
33 motor vehicles on May 13, 1988. Persons who are otherwise qualified and licensed to
34 operate a commercial motor vehicle in this state may operate such vehicle intrastate at
35 the age of eighteen years or older, except that any person transporting hazardous
36 material must be at least twenty-one years of age.

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

43 4. Notwithstanding the provisions of subsection 1 of this section to the contrary,
44 Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not
45 apply to any vehicle owned or operated by any public utility, rural electric cooperative

46 or other public service organization, or to the driver of such vehicle, while providing
47 restoration of essential utility services during emergencies and operating intrastate. For
48 the purposes of this subsection, the term "essential utility services" means electric, gas,
49 water, telephone and sewer services.

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

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

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

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

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

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

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

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