

SECOND REGULAR SESSION

HOUSE BILL NO. 1439

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CRAWFORD.

Read 1st time February 10, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4522L.011

AN ACT

To repeal sections 21.795, 226.030, 226.060, 226.527, 227.120, and 301.010, RSMo, and to enact in lieu thereof nine new sections relating to transportation, with an emergency clause for a certain section.

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

Section A. Sections 21.795, 226.030, 226.060, 226.527, 227.120, and 301.010, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 21.795, 226.030, 226.060, 226.527, 227.120, 227.349, 238.208, 301.010, and 1, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be appointed by the president pro tem of the senate and minority leader of the senate and the seven house members shall be appointed by the speaker of the house of representatives and the minority floor leader of the house of representatives. No major party shall be represented by more than four members from the house of representatives nor more than four members from the senate. The ex officio members shall be the state auditor, the director of the oversight division of the committee on legislative research, and the commissioner of the office of administration or the designee of such auditor, director or commissioner. The joint committee shall be chaired jointly by both chairs of the senate and house transportation committees. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members, other

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.

15 than the ex officio members, shall be required for the determination of any matter within the
16 committee's duties.

17 2. The transportation inspector general shall be appointed by majority vote of a group
18 consisting of the speaker of the house of representatives, the minority floor leader of the house
19 of representatives, the president pro tempore of the senate, and the minority floor leader of the
20 senate. It shall be the duty of the inspector general to serve as the executive director of the joint
21 committee on transportation oversight. The compensation of the inspector general and other
22 personnel shall be paid from the joint contingent fund or jointly from the senate and house
23 contingent funds until an appropriation is made therefor. No funds from highway user fees or
24 other funds allocated for the operation of the department of transportation shall be used for the
25 compensation of the inspector general and his or her staff. The joint committee inspector general
26 initially appointed pursuant to this section shall take office January 1, 2004, for a term ending
27 June 30, 2005. Subsequent joint committee on transportation oversight directors shall be
28 appointed for five-year terms, beginning July 1, 2005. Any joint committee on transportation
29 oversight inspector general whose term is expiring shall be eligible for reappointment. The
30 inspector general of the joint committee on transportation oversight shall:

31 (1) Be qualified by training or experience in transportation policy, management of
32 transportation organizations, accounting, auditing, financial analysis, law, management analysis,
33 or public administration;

34 (2) Report to and be under the general supervision of the joint committee. The joint
35 committee on transportation oversight shall, by a majority vote, direct the inspector general to
36 perform specific investigations, reviews, audits, or other studies of the state department of
37 transportation, in which instance the director shall report the findings and recommendations
38 directly to the joint committee on transportation oversight. All investigations, reviews, audits,
39 or other studies performed by the director shall be conducted so that the general assembly can
40 procure information to assist it in formulating transportation legislation and policy for this state;

41 (3) Receive and process citizen complaints relating to transportation issues. The
42 inspector general shall, when necessary, submit a written complaint report to the joint committee
43 on transportation oversight and the highways and transportation commission. The complaint
44 report shall contain the date, time, nature of the complaint, and any immediate facts and
45 circumstances surrounding the initial report of the complaint. The inspector general shall
46 investigate a citizen complaint if he or she is directed to do so by a majority of the joint
47 committee on transportation oversight;

48 (4) Investigate complaints from current and former employees of the department of
49 transportation if the inspector general receives information from an employee which shows:

50 (a) The department is violating a law, rule, or regulation;

- 51 (b) Gross mismanagement by department officers;
- 52 (c) Waste of funds by the department;
- 53 (d) That the department is engaging in activities which pose a danger to public health
54 and safety;
- 55 (5) Maintain confidentiality with respect to all matters and the identities of the
56 complainants or witnesses coming before the inspector general except insofar as disclosures may
57 be necessary to enable the inspector general to carry out duties and to support recommendations;
- 58 (6) Maintain records of all investigations conducted, including any record or document
59 or thing, any summary, writing, complaint, data of any kind, tape or video recordings, electronic
60 transmissions, e-mail, or other paper or electronic documents, records, reports, digital recordings,
61 photographs, software programs and software, expense accounts, phone logs, diaries, travel logs,
62 or other things, including originals or copies of any of the above. Records of investigations by
63 the inspector general shall be an "investigative report" of law enforcement agency pursuant to
64 the provisions of section 610.100, RSMo. As provided in such section, such records shall be a
65 closed record until the investigation becomes inactive. If the inspector general refers a violation
66 of law to the appropriate prosecuting attorney or the attorney general, such records shall be
67 transmitted with the referral. If the inspector general finds no violation of law or determines not
68 to refer the subject of the investigation to the appropriate prosecuting attorney or the attorney
69 general regarding matters referred to the appropriate prosecuting attorney or the attorney general
70 and the statute of limitations expires without any action being filed, the record shall remain
71 closed. As provided in section 610.100, RSMo, any person may bring an action pursuant to this
72 section in the circuit court having jurisdiction to authorize disclosure of information in the
73 records of the inspector general which would otherwise be closed pursuant to this section. Any
74 disclosure of records by the inspector general in violation of this section shall be grounds for a
75 suit brought by any individual, person, or corporation to recover damages, and upon award to the
76 plaintiff reasonable attorney's fees.
- 77 3. The department of transportation shall submit a written report prior to November tenth
78 of each year to the governor, lieutenant governor, and every member of the senate and house of
79 representatives. The report shall be posted to the department's Internet website so that general
80 assembly members may elect to access a copy of the report electronically. The written report
81 shall contain the following:
- 82 (1) A comprehensive financial report of all funds for the preceding state fiscal year
83 which shall include a report by independent certified public accountants, selected by the
84 commissioner of the office of administration, attesting that the financial statements present fairly
85 the financial position of the department in conformity with generally accepted government
86 accounting principles. This report shall include amounts of:

87 (a) State revenues by sources, including all new state revenue derived from highway
88 users which results from action of the general assembly or voter-approved measures taken after
89 August 28, 2003, and projects funded in whole or in part from such new state revenue, and
90 amounts of federal revenues by source;

91 (b) Any other revenues available to the department by source;

92 (c) Funds appropriated, the amount the department has budgeted and expended for the
93 following: contracts, right-of-way purchases, preliminary and construction engineering,
94 maintenance operations and administration;

95 (d) Total state and federal revenue compared to the revenue estimate in the fifteen-year
96 highway plan as adopted in 1992.

97

98 All expenditures made by, or on behalf of, the department for personal services including fringe
99 benefits, all categories of expense and equipment, real estate **purchases**, and capital
100 improvements shall be assigned to the categories listed in this subdivision in conformity with
101 generally accepted government accounting principles. **The report shall include information**
102 **concerning the department's system of inventory of records relating to real property owned**
103 **by the department and a description of all real estate transactions engaged in by the**
104 **department for the preceding state fiscal year, including but not limited to the date of each**
105 **transaction, the source of revenue used by the department for each transaction, and the**
106 **allocation of any income produced by the real estate;**

107 (2) A detailed explanation of the methods or criteria employed to select construction
108 projects, including a listing of any new or reprioritized projects not mentioned in a previous
109 report, and an explanation as to how the new or reprioritized projects meet the selection methods
110 or criteria;

111 (3) The proposed allocation and expenditure of moneys and the proposed work plan for
112 the current fiscal year, at least the next four years, and for any period of time expressed in any
113 public transportation plan approved by either the general assembly or by the voters of Missouri.
114 This proposed allocation and expenditure of moneys shall include the amounts of proposed
115 allocation and expenditure of moneys in each of the categories listed in subdivision (1) of this
116 subsection;

117 (4) The amounts which were planned, estimated and expended for projects in the state
118 highway and bridge construction program or any other projects relating to other modes of
119 transportation in the preceding state fiscal year and amounts which have been planned, estimated
120 or expended by project for construction work in progress;

121 (5) The current status as to completion, by project, of the fifteen-year road and bridge
122 program adopted in 1992. The first written report submitted pursuant to this section shall include

123 the original cost estimate, updated estimate and final completed cost by project. Each written
124 report submitted thereafter shall include the cost estimate at the time the project was placed on
125 the most recent five-year highway and bridge construction plan and the final completed cost by
126 project;

127 (6) The reasons for cost increases or decreases exceeding five million dollars or ten
128 percent relative to cost estimates and final completed costs for projects in the state highway and
129 bridge construction program or any other projects relating to other modes of transportation
130 completed in the preceding state fiscal year. Cost increases or decreases shall be determined by
131 comparing the cost estimate at the time the project was placed on the most recent five-year
132 highway and bridge construction plan and the final completed cost by project. The reasons shall
133 include the amounts resulting from inflation, departmentwide design changes, changes in project
134 scope, federal mandates, or other factors;

135 (7) Specific recommendations for any statutory or regulatory changes necessary for the
136 efficient and effective operation of the department;

137 (8) An accounting of the total amount of state, federal and earmarked federal highway
138 funds expended in each district of the department of transportation; and

139 (9) Any further information specifically requested by the joint committee on
140 transportation oversight.

141 4. Prior to December first of each year, the committee shall hold an annual meeting and
142 call before its members, officials or employees of the state highways and transportation
143 commission or department of transportation, as determined by the committee, for the sole
144 purpose of receiving and examining the report required pursuant to subsection 3 of this section.
145 The joint committee may also call before its members at the annual meeting, the inspector
146 general of the joint committee on transportation oversight for purposes authorized in this section.
147 The committee shall not have the power to modify projects or priorities of the state highways and
148 transportation commission or department of transportation. The committee may make
149 recommendations to the state highways and transportation commission or the department of
150 transportation. Disposition of those recommendations shall be reported by the commission or
151 the department to the joint committee on transportation oversight.

152 5. In addition to the annual meeting required by subsection 4 of this section, the
153 committee shall meet two times each year. The co-chairs of the committee shall establish an
154 agenda for each meeting that may include, but not be limited to, the following items to be
155 discussed with the committee members throughout the year during the scheduled meeting:

156 (1) Presentation of a prioritized plan for all modes of transportation;

157 (2) Discussion of department efficiencies and expenditure of cost-savings within the
158 department;

159 (3) Presentation of a status report on department of transportation revenues and
160 expenditures, including a detailed summary of projects funded by new state revenue as provided
161 in paragraph (a) of subdivision (1) of subsection 3 of this section;

162 (4) Review of any report from the joint committee inspector general; and

163 (5) Implementation of any actions as may be deemed necessary by the committee as
164 authorized by law.

165

166 The co-chairs of the committee may call special meetings of the committee with ten days' notice
167 to the members of the committee, the director of the department of transportation, and the
168 department of transportation.

169 6. The committee shall submit records of its meetings to the secretary of the senate and
170 the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023,
171 RSMo.

226.030. 1. The [state] highways and transportation commission shall consist of six
2 members, who shall be appointed by the governor, by and with the advice and consent of the
3 senate, not more than three thereof to be members of the same political party. Each
4 commissioner shall be a taxpayer and resident of state for at least five years prior to his
5 appointment. Any commissioner may be removed by the governor if fully satisfied of his
6 inefficiency, neglect of duty, or misconduct in office. Commissioners appointed pursuant to this
7 section shall be appointed for terms of six years, **except as otherwise provided in this**
8 **subsection**. Upon the expiration of each of the foregoing terms of these commissioners a
9 successor shall be appointed for a term of six years or until his successor is appointed and
10 qualified which term of six years shall thereafter be the length of term of each member of the
11 commission unless removed as above provided. The members of the commission shall receive
12 as compensation for their services twenty-five dollars per day for the time spent in the
13 performance of their official duties, and also their necessary traveling and other expenses
14 incurred while actually engaged in the discharge of their official duties. Members whose terms
15 otherwise expire December 1, 2003, shall serve with terms expiring March 1, 2004, and new
16 members or the members reappointed shall be appointed for terms expiring March 1, 2005; a
17 member whose term otherwise expires December 1, 2005, shall serve with a term expiring
18 March 1, 2007; a member whose term otherwise expires December 1, 2007, shall serve with a
19 term expiring March 1, 2009; and one member whose term otherwise expires October 13, 2007,
20 shall serve with a term expiring March 1, 2007; and one member whose term otherwise expires
21 October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy occurs in any
22 term of a commissioner due to death, resignation, or removal, a successor shall be appointed for
23 only the remainder of the unexpired term.

24 2. Beginning August 28, [2003, when two members of the state highways and
25 transportation commission are within two years of expiration of their terms, the commission shall
26 appoint one of those two members as chair of the commission and the other as vice chair, each
27 to serve in such position for one year.] **2004, the two members of the commission, one each
28 from opposing political parties, who have the most seniority in commission service shall
29 serve as commission leadership with one member as chair and the other member as vice
30 chair, respectively, for terms ending March 1, 2005. The commission shall elect one of the
31 members as chair and the other as vice chair. Effective March 1, 2005, the commission
32 shall elect the two members of the commission, one from each opposing political party who
33 has the most seniority in commission service, who shall serve as commission leadership
34 with one member as chair and the other member as vice chair, respectively, for one year.
35 At the end of such year, the member currently serving as chair shall then serve as vice
36 chair, and the member currently serving as vice chair shall serve as chair, each to serve in
37 such position for one year. Thereafter, commission leadership shall continue to rotate
38 accordingly with the two members from opposing political parties who have the most
39 seniority in terms of commission service being elected by the commission to serve as
40 commission leadership. If one of the commission leadership offices becomes vacant due to
41 death, resignation, removal, or refusal to serve before the one-year leadership term expires,
42 the commission shall elect one of its members that is of the same political party as the
43 vacating officer to serve the remainder of the vacating officer's leadership term. Such
44 election shall not prohibit that member from later serving as chair and vice chair when
45 such member's seniority in commission service qualifies him or her for those offices as
46 provided in this subsection.** At the end of such year, the member currently serving as chair
47 shall then serve as vice chair, and the member currently serving as vice chair shall serve as chair,
48 each to serve in such position for one year.

49 3. No more than one-half of the members of the [state highways and transportation]
50 commission shall be of the same political party. The selection and removal of all employees of
51 the department of [highways and] transportation shall be without regard to political affiliation.

52 4. The present members of the [state highways and transportation] commission shall
53 **continue to** serve as members of the [state highways and transportation] commission for the
54 remainder of the terms for which they were appointed, except as provided in subsection 1 of this
55 section.

56 5. The director of the department of transportation shall, by February fifteenth of each
57 year, present an annual state of the state of transportation to a joint session of the general
58 assembly. The six members of the [state highways and transportation] commission shall be
59 present and available at such presentations for questions by members. The transportation

60 inspector general may also be present and report to the general assembly on any matter of
61 concern within his or her statutory authority. The provisions of this subsection shall expire
62 August 28, 2008.

63 **6. Any member reappointed shall only be eligible to serve as chair or vice chair**
64 **during the final two years of such member's reappointment.**

226.060. The [state highways and transportation commission] **director of the**
2 **department of transportation** shall select and fix the salary of a chief counsel who shall
3 possess the same qualifications as judges of the supreme court and who shall serve at the
4 pleasure of the [commission] **director** and shall appear for and represent the commission in all
5 actions and proceedings under chapters 226 and 227, RSMo, or any other law administered by
6 the commission, or in any decision, order or proceeding of the commission, or of the director and
7 shall commence, prosecute or defend all actions or proceedings authorized or requested by the
8 commission or to which the commission is a party and shall advise the commission or the
9 director, when requested, in all matters in connection with the organization, powers and duties
10 of the commission or the powers and duties of the director. The chief counsel shall, with the
11 consent of the [commission] **director**, appoint such assistant attorneys as the [commission]
12 **director** may deem necessary and their salaries shall be fixed by the [commission] **director**. The
13 chief counsel's office [of the commission] shall be furnished offices in the department of
14 transportation building.

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or
2 maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas,
3 visible from the main traveled way of the interstate or primary system and erected with the
4 purpose of its message being read from such traveled way, except such outdoor advertising as
5 is defined in subdivisions (1) and (2) of section 226.520.

6 2. No compensation shall be paid for the removal of any sign erected in violation of
7 subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to
8 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section
9 if it were erected or maintained after August 13, 1976, shall be removed unless such removal is
10 required by the Secretary of Transportation and federal funds required to be contributed to this
11 state under section 131(g) of Title 23, United States Code, to pay compensation for such removal
12 have been appropriated and allocated and are immediately available to this state, and in such
13 event, such sign shall be removed pursuant to section 226.570.

14 3. In the event any portion of this chapter is found in noncompliance with Title 23,
15 United States Code, section 131, by the Secretary of Transportation or his representative, and any
16 portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are
17 withheld, or declared forfeited by the Secretary of Transportation or his representative, all

18 removal of outdoor advertising by the Missouri state highways and transportation commission
19 pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full.
20 Such cessation of removal shall not be construed to affect compensation for outdoor advertising
21 removed or in the process of removal pursuant to this chapter.

22 4. In addition to any applicable regulations set forth in sections 226.500 through 226.600,
23 signs within an area subject to control by a local zoning authority and wherever located within
24 such area shall be subject to reasonable regulations of that local zoning authority relative to size,
25 lighting, spacing, and location; provided, however, that no local zoning authority shall have
26 authority to require any sign within its jurisdiction which was lawfully erected and which is
27 maintained in good repair to be removed without the payment of just compensation. **The**
28 **requirement by a local zoning authority that a legally erected outdoor advertising structure**
29 **be removed or altered as a condition or prerequisite for the issuance or continued**
30 **effectiveness of a permit, license, or other approval for any use, structure, development,**
31 **or activity other than outdoor advertising, including a request for rezoning, constitutes a**
32 **compelled removal or alteration, which is prohibited without the payment of just**
33 **compensation as required by this subsection.**

227.120. 1. The state highways and transportation commission shall have power to
2 purchase, lease, or condemn, lands in the name of the state of Missouri for the following
3 purposes when necessary for the proper and economical construction and maintenance of state
4 highways:

5 (1) Acquiring the right-of-way for the location, construction, reconstruction, widening,
6 improvement or maintenance of any state highway or any part thereof;

7 (2) Acquiring bridges or sites therefor and ferries, including the rights and franchises for
8 the maintenance and operation thereof, over navigable streams, at such places as the state
9 highways and transportation commission shall have authority to construct, acquire or contribute
10 to the cost of construction of any bridge;

11 (3) Acquiring the right-of-way for the location, construction, reconstruction, widening,
12 improvement or maintenance of any highway ordered built by the bureau of public roads of the
13 Department of Agriculture of the United States government;

14 (4) Obtaining road building or road maintenance materials or plants for the manufacture
15 or production of such materials and acquiring the right-of-way thereto; also acquiring the
16 right-of-way to such plants as are privately owned when necessary for the proper and economical
17 construction of the state highway system;

18 (5) Changing gradients in any state highway;

19 (6) Establishing detours in connection with the location, construction, reconstruction,
20 widening, improvement or maintenance of any state highway or any part thereof;

21 (7) Changing the channels of any stream and providing for drainage ditches when
22 necessary for the proper construction or maintenance of any state highway;

23 (8) Eliminating grade crossings;

24 (9) Acquiring water supply and water power sites and necessary lands for use in
25 connection therewith, including rights-of-way to any such sites;

26 (10) Acquiring sites for garages and division offices and for storing materials, machinery
27 and supplies;

28 (11) Acquiring lands for sight distances along any state highway or any portion thereof
29 whenever necessary, and also acquiring lands within wyes formed by junctions of state highways,
30 or junctions of state highways and other public highways;

31 (12) Acquiring lands or interests therein for the purpose of depositing thereon excess
32 excavated, or other materials produced in the construction, reconstruction, widening,
33 improvement or maintenance of any state highway;

34 (13) Acquiring lands for any other purpose necessary for the proper and economical
35 construction of the state highway system for which the commission may have authority granted
36 by law. If condemnation becomes necessary, the commission shall have the power to proceed
37 to condemn such lands in the name of the state of Missouri, in accordance with the provisions
38 of chapter 523, RSMo, insofar as the same is applicable to the said state highways and
39 transportation commission, and the court or jury shall take into consideration the benefits to be
40 derived by the owner, as well as the damage sustained thereby. The state highways and
41 transportation commission also shall have the same authority to enter upon private lands to
42 survey and determine the most advantageous route of any state highway as granted, under section
43 388.210, RSMo, to railroad corporations.

44 **2. In any case in which the commission exercises eminent domain involving a taking**
45 **of real estate, the court, commissioners, and jury shall consider the restriction of or loss of**
46 **access to any adjacent highway as an element in assessing the damages. As used in this**
47 **subsection, "restriction of or loss of access" includes, but is not limited to, the prohibition**
48 **of making right or left turns into or out of the real estate involved, provided that such**
49 **access was present before the proposed improvement or taking.**

2 **227.349. The portion of state highway J in Lincoln County from the intersection**
3 **of state highway J and state highway 47 to the intersection of state highway J and state**
4 **highway U shall be named the "Veterans Highway".**

2 **238.208. The owners of property adjacent to a transportation district formed under**
3 **the Missouri transportation development district act and the existing owners of property**
4 **within said district may petition the court by unanimous petition to add the above**
5 **described adjacent property to the district. Any property added under this section shall**

5 **be subject to all projects, taxes, and special assessments in effect as of the date of the court**
6 **order adding the property to the district. The owners of the added property shall be**
7 **allowed to vote at the next election scheduled for the district to fill vacancies on the board**
8 **and on any other question submitted to them by the board under this chapter. The owners**
9 **of property added under this section shall have one vote per acre in the same manner as**
10 **provided in subdivision (2) of subsection 2 of section 238.220.**

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred
5 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be
6 straddled by the operator, and handlebars for steering control;

7 (2) "Automobile transporter", any vehicle combination designed and used specifically
8 for the transport of assembled motor vehicles;

9 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
10 included between two parallel transverse vertical planes forty inches apart, extending across the
11 full width of the vehicle;

12 (4) "Boat transporter", any vehicle combination designed and used specifically to
13 transport assembled boats and boat hulls;

14 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
15 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
16 or painting;

17 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
18 passengers but not including shuttle buses;

19 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
20 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
21 buses;

22 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
23 speeds less than forty miles per hour from field to field or from field to market and return;

24 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
25 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

26 (10) "Director" or "director of revenue", the director of the department of revenue;

27 (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person
28 or motor carrier other than a dealer over any public highway, under its own power singly, or in
29 a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery
30 either before or after sale;

31 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
32 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
33 equipped with a dromedary may carry part of a load when operating independently or in a
34 combination with a semitrailer;

35 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

36 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

37 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

38 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
39 vehicle in a saddlemount combination;

40 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
41 the weight of any load thereon;

42 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
43 result of the impact of hail;

44 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
45 and public streets, avenues, boulevards, parkways or alleys in any municipality;

46 (20) "Improved highway", a highway which has been paved with gravel, macadam,
47 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

48 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
49 the same;

50 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
51 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

52 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
53 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
54 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

55 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
56 commercial motor vehicle the operation of which is confined to:

57 (a) An area that extends not more than a radius of one hundred miles from its home base
58 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
59 from projects involving soil and water conservation, or to and from equipment dealers'
60 maintenance facilities for maintenance purposes; or

61 (b) An area that extends not more than a radius of twenty-five miles from its home base
62 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
63 from projects not involving soil and water conservation. Nothing in this subdivision shall be
64 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
65 local commercial motor vehicle;

66 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations

67 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
68 or a commercial motor vehicle whose property-carrying operations are confined solely to the
69 transportation of property owned by any person who is the owner or operator of such vehicle to
70 or from a farm owned by such person or under the person's control by virtue of a landlord and
71 tenant lease; provided that any such property transported to any such farm is for use in the
72 operation of such farm;

73 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
74 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
75 state, used to transport harvested forest products, operated solely at a forested site and in an area
76 extending not more than a fifty-mile radius from such site, carries a load with dimensions not
77 in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the
78 national system of interstate and defense highways described in Title 23, Section 103(e) of the
79 United States Code, does not have more than four axles and does not pull a trailer which has
80 more than two axles. A local log truck may not exceed the limits required by law, however, if
81 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding
82 any other provisions of law to the contrary, such truck shall be subject to the weight limits
83 required by such sections as licensed for eighty thousand pounds;

84 (27) "**Local log truck tractor**", a commercial motor vehicle which is registered
85 under this chapter to operate as a motor vehicle on the public highways of this state, used
86 exclusively in this state, used to transport harvested forest products, operated solely at a
87 forested site and in an area extending not more than a fifty-mile radius from such site,
88 operates with a weight not exceeding twenty-two thousand four hundred pounds on one
89 axle or with a weight not exceeding forty-four thousand eight hundred pounds on any
90 tandem axle, is not operated on the national system of interstate and defense highways
91 described in Title 23, Section 103(e) of the United States Code, and does not have more
92 than three axles and does not pull a trailer which has more than two axles;

93 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
94 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
95 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
96 such municipal corporation and such municipal corporation and adjacent commercial zone;

97 [(28)] (29) "Log truck", a vehicle which is not a local log truck and is used exclusively
98 to transport harvested forest products to and from forested sites which is registered pursuant to
99 this chapter to operate as a motor vehicle on the public highways of this state for the
100 transportation of harvested forest products;

101 [(29)] (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end
102 assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules

103 and regulations or by illustrations;

104 [(30)] (31) "Manufacturer", any person, firm, corporation or association engaged in the
105 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

106 [(31)] (32) "Mobile scrap processor", a business located in Missouri or any other state
107 that comes onto a salvage site and crushes motor vehicles and parts for transportation to a
108 shredder or scrap metal operator for recycling;

109 [(32)] (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
110 receives a new, rebuilt or used engine, and which used the number stamped on the original
111 engine as the vehicle identification number;

112 [(33)] (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
113 tracks, except farm tractors;

114 [(34)] (35) "Motor vehicle primarily for business use", any vehicle other than a
115 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed
116 for over twelve thousand pounds:

117 (a) Offered for hire or lease; or

118 (b) The owner of which also owns ten or more such motor vehicles;

119 [(35)] (36) "Motorcycle", a motor vehicle operated on two wheels;

120 [(36)] (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an
121 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
122 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
123 the device at a maximum speed of not more than thirty miles per hour on level ground;

124 [(37)] (38) "Motortricycle", a motor vehicle operated on three wheels, including a
125 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
126 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

127 [(38)] (39) "Municipality", any city, town or village, whether incorporated or not;

128 [(39)] (40) "Nonresident", a resident of a state or country other than the state of Missouri;

129 [(40)] (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured
130 in compliance with United States emissions or safety standards;

131 [(41)] (42) "Operator", any person who operates or drives a motor vehicle;

132 [(42)] (43) "Owner", any person, firm, corporation or association, who holds the legal
133 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale
134 or lease thereof with the right of purchase upon performance of the conditions stated in the
135 agreement and with an immediate right of possession vested in the conditional vendee or lessee,
136 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee
137 or lessee or mortgagor shall be deemed the owner for the purpose of this law;

138 [(43)] (44) "Public garage", a place of business where motor vehicles are housed, stored,

139 repaired, reconstructed or repainted for persons other than the owners or operators of such place
140 of business;

141 [(44)] (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
142 rebuilder, but does not include certificated common or contract carriers of persons or property;

143 [(45)] (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
144 construction by the addition or substitution of two or more new or used major component parts,
145 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

146 [(46)] (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
147 substantially modified so that it may be used and is used for the purposes of temporary housing
148 quarters, including therein sleeping and eating facilities which are either permanently attached
149 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
150 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
151 vehicle if the motor vehicle could otherwise be so registered;

152 [(47)] (48) "Rollback or car carrier", any vehicle specifically designed to transport
153 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
154 to a wrecker or towing service;

155 [(48)] (49) "Saddlemount combination", a combination of vehicles in which a truck or
156 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
157 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
158 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
159 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
160 is called a double saddlemount combination. When three vehicles are towed in this manner, the
161 combination is called a triple saddlemount combination;

162 [(49)] (50) "Salvage dealer and dismantler", a business that dismantles used motor
163 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
164 accessories;

165 [(50)] (51) "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by
166 reason of condition or circumstance, has been declared salvage, either by its owner, or by a
167 person, firm, corporation, or other legal entity exercising the right of security interest in it, or by
168 an insurance company as a result of settlement of a claim for loss due to damage or theft; or a
169 vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled
170 pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words
171 "salvage/abandoned property";

172 [(51)] (52) "School bus", any motor vehicle used solely to transport students to or from
173 school or to transport students to or from any place for educational purposes;

174 [(52)] (53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or

175 corporation as an incidental service to transport patrons or customers of the regular business of
176 such person, firm, or corporation to and from the place of business of the person, firm, or
177 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
178 buses or as commercial motor vehicles;

179 [(53)] **(54)** "Special mobile equipment", every self-propelled vehicle not designed or
180 used primarily for the transportation of persons or property and incidentally operated or moved
181 over the highways, including farm equipment, implements of husbandry, road construction or
182 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
183 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
184 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
185 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
186 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
187 shall not operate to exclude other such vehicles which are within the general terms of this
188 section;

189 [(54)] **(55)** "Specially constructed motor vehicle", a motor vehicle which shall not have
190 been originally constructed under a distinctive name, make, model or type by a manufacturer of
191 motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

192 [(55)] **(56)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth
193 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

194 [(56)] **(57)** "Tandem axle", a group of two or more axles, arranged one behind another,
195 the distance between the extremes of which is more than forty inches and not more than
196 ninety-six inches apart;

197 [(57)] **(58)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle
198 designed for drawing other vehicles, but not for the carriage of any load when operating
199 independently. When attached to a semitrailer, it supports a part of the weight thereof;

200 [(58)] **(59)** "Trailer", any vehicle without motive power designed for carrying property
201 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those
202 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
203 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
204 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
205 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
206 as defined in section 700.010, RSMo;

207 [(59)] **(60)** "Truck", a motor vehicle designed, used, or maintained for the transportation
208 of property;

209 [(60)] **(61)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the
210 two trailing units are connected with a B-train assembly which is a rigid frame extension

211 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point
212 for the second semitrailer and has one less articulation point than the conventional "A dolly"
213 connected truck-tractor semitrailer-trailer combination;

214 [(61)] (62) "Truck-trailer boat transporter combination", a boat transporter combination
215 consisting of a straight truck towing a trailer using typically a ball and socket connection with
216 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
217 trailer but so as to maintain a downward force on the trailer tongue;

218 [(62)] (63) "Used parts dealer", a business that buys and sells used motor vehicle parts
219 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
220 "Business" does not include isolated sales at a swap meet of less than three days;

221 [(63)] (64) "Vanpool", any van or other motor vehicle used or maintained by any person,
222 group, firm, corporation, association, city, county or state agency, or any member thereof, for the
223 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
224 and from their place of employment; however, a vanpool shall not be included in the definition
225 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
226 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
227 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
228 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
229 monetary profit other than for use in a ride-sharing arrangement;

230 [(64)] (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or
231 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
232 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
233 wheelchairs operated by handicapped persons;

234 [(65)] (66) "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
235 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
236 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
237 a replacement vehicle to replace a disabled or wrecked vehicle;

238 [(66)] (67) "Wrecker or towing service", the act of transporting, towing or recovering
239 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
240 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
241 compensation or other personal gain.

**Section 1. When any transportation corporation or transportation district issues
2 a request for proposals to finance, design, engineer, build, or in any way assist in
3 developing or completing all or part of any highway project in this state where the
4 completed project shall form a portion of the highway system for which the Missouri
5 highway and transportation commission and the Missouri department of transportation**

6 are responsible, the following procedures shall apply:

7 (1) As part of the request for proposals, the transportation corporation or
8 transportation district shall set a deadline for the filing of all responses. All proposals shall
9 be required to be in writing. Such deadline shall apply to all responsive proposals whether
10 submitted by public or private entities, including any proposal by the Missouri department
11 of transportation. Failure to present a proposal by such deadline shall bar any entity,
12 public or private, including but not limited to the department, from thereafter making any
13 proposal to the transportation corporation or transportation district, whether written or
14 oral, to perform the services requested in the request for proposal;

15 (2) The department shall submit any proposal it may have in response to the
16 request at the same time and subject to all of the same requirements as those imposed upon
17 private organizations making such proposals;

18 (3) Any rules or requirements imposed upon and any benefits or concessions made
19 available to the transportation corporation or transportation district by the commission
20 or the department shall be applied or made available in the same manner and degree with
21 regard to all competing proposals, including those made by the department. This shall
22 include but not be limited to matching fund ratios required of the transportation
23 corporation or transportation district;

24 (4) Any agreement entered into between the commission or the department and a
25 transportation or transportation district after the date on which the bill containing this
26 section was first introduced in either house of the general assembly which shall not have
27 been arrived at in accordance with substantially the same procedures as set forth in this
28 section shall be void. In such cases, the transportation corporation or transportation
29 district may issue a new request for proposal to be responded to and dealt with in
30 accordance with the requirements of this section. The company or agency, public or
31 private, which benefited from the initial failure to observe the procedures of this section
32 shall be ineligible to respond to the new request for proposal.

Section B. Because immediate action is necessary to ensure just compensation for the
2 restriction on loss of property rights for owners of real estate, the repeal and reenactment of
3 section 227.120 of section A of this act is deemed necessary for the immediate preservation of
4 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and the repeal and reenactment of section 227.120 of
6 section A of this act shall be in full force and effect upon its passage and approval.