

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1280

92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles, March 11, 2004, with recommendation that the House Committee Substitute for House Bill No. 1280 Do Pass by Consent.

Perfecting by Consent March 29, 2004.

STEPHEN S. DAVIS, Chief Clerk

3993L.02P

AN ACT

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

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2 repealed and three new sections enacted in lieu thereof, to be known as sections 301.041,
3 390.136, and 622.095, to read as follows:

301.041. 1. All commercial motor vehicles and trailers registered pursuant to this
2 section or to be operated under **reciprocity** agreements [as provided for in sections 301.271 to
3 301.279] shall be registered annually, **or in the discretion of the state highways and
4 transportation commission, staggered in such manner as to be registered for a one-year
5 period beginning on the first day of a quarter during such year and in such manner as the
6 commission may determine by regulation. To facilitate the transition from an annual
7 registration to a staggered registration, the commission shall inquire of all registrations as
8 to which calendar quarter the registrant wishes to use as the beginning date of the
9 registration once the transition to staggered registration is complete. If the registrant does
10 not respond by the date selected by the commission, or if no quarter is selected, the
11 registrant shall remain on a calendar year registration. The commission may issue**

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.

12 **prorated registrations pursuant to this section for periods of greater than or less than one**
13 **year during the transition to a nonannual year registration, but no registration shall exceed**
14 **eighteen months nor be less than six months. The commission may issue a prorated, by**
15 **quarter, partial year registration at any time for additions to a fleet made after an initial**
16 **registration of such fleet, or such other reasons as approved by the commission or its**
17 **designee upon the request of the registrant.**

18 2. An application for renewal registration pursuant to this section shall be made with all
19 required documents on or before [October first of each year] **the first day of the month that is**
20 **three calendar months immediately prior to the beginning date of the registration.** Renewal
21 applications received after [October first] **the first day of the third calendar month**
22 **immediately prior to the registration** shall be assessed a penalty of one hundred dollars. The
23 [director or his or her] **commission's** designee may waive the penalty pursuant to this subsection
24 for good cause.

25 3. Fees for commercial motor vehicles and trailers renewed pursuant to this section shall
26 be paid no later than [December first of each year] **the first day of the month that is one**
27 **calendar month immediately prior to the beginning date of the registration** except for
28 payments made on an installment basis as provided in subsection 4 of this section. Renewal
29 application fees not paid by [December first] **the first day of the month immediately prior to**
30 **the registration** shall be assessed a penalty of fifty dollars per vehicle, but in no case shall such
31 penalty exceed one hundred fifty dollars per application. The [director or his or her]
32 **commission's** designee may, for good cause, waive or reduce any penalties assessed pursuant
33 to this subsection.

34 4. Any owner of a commercial motor vehicle or trailer operated pursuant to this section
35 or **reciprocity** agreements [provided in sections 301.271 to 301.279] may elect to pay the
36 Missouri portion of the annual registration fee in two equal installments, except that no such
37 installment shall be less than one hundred dollars. The first installment shall be payable on or
38 before [December first] **the first day of the month immediately prior to the beginning date**
39 **of the registration**, and the second installment shall be payable on or before [June first of that
40 registration year] **the first day of the sixth month of that registration one-year period.** Every
41 owner electing to pay on an installment basis shall file [with the director of the department of
42 revenue, on or before December first] **on or before the first day of the month immediately**
43 **prior to the beginning date of the registration**, a surety bond, certificate of deposit or
44 irrevocable letter of credit as defined in section 400.5-103, RSMo, to guarantee the payment of
45 the second installment. The bond or certificate or letter of credit shall be in an amount equal to
46 the payment guaranteed. **The commission may require such installments to be filed at other**
47 **times of the year if a nonannual registration is issued pursuant to subsection 1 of this**

48 **section.**

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

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

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

55 (3) For applications made after October first of the current registration year, the applicant
56 shall pay one-fourth of the annual registration fee.

57 6.] **5.** Any applicant who fails to timely renew his or her registration with all required
58 documents pursuant to this section or who fails to timely pay any fees and penalties owed
59 pursuant to this section shall not be issued a temporary registration for a motor vehicle or a trailer
60 issued pursuant to this section or under **reciprocity** agreements [as provided for in sections
61 301.271 and 301.279]. Nothing in this section shall prohibit the issuance of temporary
62 registration credentials for additions to the registrant's fleet subsequent to renewal.

63 [7.] **6.** The applicant for registration pursuant to this section shall affix the registration
64 plate issued [by the director] to the front of the vehicle in accordance with the provisions of
65 section 301.130. Any vehicle required to be registered pursuant to this section shall display the
66 plate issued to that vehicle no later than December thirty-first of each year **or the last day of the**
67 **quarter preceding the quarter in which the registration begins, as applicable.** Failure to
68 display the registration [plates] **plate** required by this section shall constitute a class A
69 misdemeanor.

70 [8.] **7.** The [director of revenue] **commission** may prescribe rules and regulations for the
71 effective administration of this section.

72 [9.] **8.** Any current registration or plate for which all fees have been paid for a
73 commercial trailer previously issued pursuant to **reciprocity** agreements [provided for in
74 sections 301.271 and 301.277] shall remain valid even if such agreements no longer require
75 apportionment of such trailers under such agreements, and such trailers may continue to be
76 registered pursuant to this section.

77 [10.] **9.** Notwithstanding any other law to the contrary, the [highway reciprocity]
78 commission shall have the authority pursuant to this chapter to issue permanent and temporary
79 registrations on commercial trailers whether or not the registration is issued pursuant to
80 **reciprocity** agreements [as provided in sections 301.271 to 301.279]. The provisions of
81 subsection 1 of section 301.190 shall not apply to registrations issued pursuant to this subsection,
82 provided the carrier or person to whom the registration is issued has at least one tractor as
83 defined in section 301.010 registered with the state of Missouri pursuant to this section.

84 [11.] **10.** Commercial trailer plates issued pursuant to this section shall in all other
85 respects conform to and have the same requirements as those issued pursuant to subsection 3 of
86 section 301.067. Such plates may contain the legend ["HRC TLR"] "**COMM TRL**" in
87 preference to the words "SHOW-ME STATE".

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

12 2. Any [annual] **regulatory** license issued to a motor carrier for use in driveaway
13 operations, as defined in this section, shall be issued to such motor carrier without reference to
14 any particular vehicle and may be used interchangeably by the holder thereof on any motor
15 vehicle or combinations thereof moving in driveaway operations under such carrier's **property**
16 **carrier registration**, certificate, or permit.

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

26 4. The [division, upon] **commission shall collect the applicable license fee prior to the**
27 issuance of such license or licenses provided for in this section, **and** shall [notify the director of
28 revenue, who shall] receive the license fee or fees and immediately deposit the same [with the
29 state treasurer in] **to the credit of the state [highway] highways and transportation** department
30 fund except **as otherwise provided in section 622.095, RSMo, or** when an agreement has been
31 negotiated with another jurisdiction whereby prepayment is not required. In such cases, **section**
32 **622.095, RSMo, if applicable, or the [term] terms** of the agreement shall prevail.

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

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

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

 622.095. 1. In addition to its other powers, the [division of motor carrier and railroad
2 safety] **state highways and transportation commission** may negotiate and enter into fair and
3 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 commerce. Notwithstanding any other provision of law to the contrary, and
10 in accordance with the provisions of such agreements or contracts between participating
11 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; and to suspend or revoke any
19 **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 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, 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, statutory registration,
33 administration or license fees collected by the [division] **commission** on behalf of other
34 jurisdictions under such agreements or contracts are hereby designated as "nonstate funds" within
35 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** interstate [commerce
45 commission] operating authority or exempt operations with his **or her** base jurisdiction and
46 maintains such registration in force in accordance with such agreements or contracts is
47 authorized to operate in interstate commerce within this state any motor vehicle which is
48 accompanied by a valid annual license or identifier issued by his base jurisdiction in accordance
49 with such agreements or contracts, notwithstanding any provision of section 390.071, 390.126
50 or 390.136, RSMo, or rules of the [division] **commission** to the contrary.

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

54 **(1) Coordinating the issuance of regulatory licenses under this section with the**
55 **issuance of other motor carrier credentials; and**

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

[390.340. Notwithstanding any provisions of section 390.136,

2 to the contrary, beginning with the first calendar year after August 28,
3 1996, the annual licenses required pursuant to section 390.136, with
4 reference to motor vehicles operated by motor carriers shall be
5 effective from January first to December thirty-first of the year for
6 which they are issued, and the annual license fees for each calendar
7 year shall be due and payable on or before the thirty-first day of
8 December in the year immediately preceding the year for which they
9 are issued. The division shall begin issuing the annual licenses on
10 August first of each year for the succeeding calendar year, but this
11 shall not preclude the division from continuing to issue the current
12 year's licenses as needed for the remainder of the current calendar
13 year.]
14

[622.618. Notwithstanding any provisions of section 390.136,
2 RSMo, to the contrary, beginning with the first calendar year after
3 August 28, 1996, the annual licenses required pursuant to section
4 390.136, RSMo, with reference to motor vehicles operated by motor
5 carriers shall be effective from January first to December thirty-first
6 of the year for which they are issued, and the annual license fees for
7 each calendar year shall be due and payable on or before the
8 thirty-first day of December in the year immediately preceding the
9 year for which they are issued. The division shall begin issuing the
10 annual licenses on August first of each year for the succeeding
11 calendar year, but this shall not preclude the division from continuing
12 to issue the current year's licenses as needed for the remainder of the
13 current calendar year.]