

HCS HB 1592 -- COMMERCIAL MOTOR VEHICLES

SPONSOR: Crawford

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation and Motor Vehicles by a vote of 20 to 0.

This substitute allows motor carriers to elect to have voluntary compliance audits conducted by the Highways and Transportation Commission without incurring liability if the commission discovers deficiencies.

The substitute contains provision regarding the Department of Transportation's record keeping, the minimum number of voluntary compliance audits, and the appeals process.

The substitute declares that the General Assembly has the authority for the enforcement of state commercial vehicles laws over any order, ordinance, or regulation by any political subdivision of the state. Local law enforcement officers will be prohibited from performing commercial motor vehicle enforcement or violations relating to width, height, length, and weight restrictions; commercial zone requirements; and load laws.

The Superintendent of the State Highway Patrol will be required to apply for all available federal funding which has previously been allocated or granted to local political subdivisions for the enforcement of commercial motor vehicle. State agencies or departments responsible for granting federal funding for commercial motor vehicle enforcement must make every effort to assist the superintendent in the receipt of these grants.

Persons who weigh goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure must keep a written record of the origin, weight, and composition of each shipment, state of loading or receipt, the name and address of the shipper, the total number of axles of the vehicle or combination of vehicles, and the registration number of the power unit or some other means of identification by which the shipment was transported.

A person may not load, or cause to be loaded, a vehicle for operation on a public highway that exceeds the weight limitation for operation. A penalty for excessive weight may be imposed based on a record of a shipment. Penalties may be assessed against the shipper or loader of the goods or the owner or operator of the commercial motor vehicle, solely or in part, depending upon the involvement of each party in causing an overweight movement violation. The court will determine the extent of liability of the driver, carrier, shipper, or other

party shown to be liable. A person who fails to keep, maintain, or open for inspection records and documents required by the substitute will be guilty of a class A misdemeanor. A person who does not accurately record the required information will be guilty of a class A misdemeanor.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that the bill could be very helpful to the trucking industry as a tool to educate truckers on the ever-changing rules and regulations without being penalized.

Testifying for the bill were Representative Crawford; Missouri Dump Truck Association; Pavlich, Incorporated; Katgschman Trucking; and MHC Kenworth.

OPPONENTS: Those who oppose the bill say that it may put the state out of compliance with federal requirements and force the federal government to withhold some funds.

Testifying against the bill was Department of Transportation.

Robert Triplett, Legislative Analyst