

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1405-01
Bill No.: HB 653
Subject: Highway Patrol; Licenses - Motor Vehicle; Motor Carriers; Road and Highways.
Type: Original
Date: April 11, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Missouri Highway and Transportation Commission's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 6 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 9 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal are estimated to be \$369, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal, however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of

ASSUMPTION (continued)

regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials with the **Department of Transportation (MoDOT)** state that currently, compliance audits are performed through the U.S. Department of Transportation, Motor Carrier Safety Administration grants. MoDOT assumes this legislation prescribes an audit process that differs from the procedures spelled out in the current grants MoDOT receives, jeopardizing such federal grant monies. **Oversight** assumes that the Missouri Highways and Transportation Commission (MHTC) could either promulgate the necessary rules and regulations to bring the procedures outlined in the act into compliance with the federal grants or the grant agreements could amended in accordance with this act.

Oversight assumes that any loss of federal funding as a result of this proposal is speculative, as are any potential additional federal funds that could be obtained by the Superintendent of the Missouri State Highway Patrol, the application for which is outlined in this act.

In response to a similar proposal from this year (SB 327), officials with the **City of North Kansas City** assumed the proposal would eliminate its commercial vehicle enforcement program. The city presumes that this act would result in a negative fiscal impact due to the inability to recover start-up costs for this recently initiated program. Oversight assumes that some municipalities may see either a positive or negative fiscal impact as a result of this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
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LOCAL POLITICAL SUBDIVISIONS

<u>Cities and Counties</u> – Elimination of Commercial Vehicle Enforcement	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal changes the laws regarding the operation of commercial motor vehicles.

PRE-EMPTION OF COMMERCIAL MOTOR VEHICLE LAWS

Under the bill, no local law enforcement officer or local agency can enforce commercial motor vehicle equipment, size, travel, height, and weight violations. Local governments are prohibited from adopting ordinances or regulations regarding the enforcement of commercial motor vehicle laws. However, local governments can adopt ordinances or regulations restricting commercial motor vehicle equipment, size, travel, weight, or height on roads which are not designated as state and federal roads or are not maintained with state and federal moneys.

FEDERAL MONEYS FOR COMMERCIAL MOTOR VEHICLE ENFORCEMENT

The Superintendent of the State Highway Patrol must apply for all federal funding which is currently available or may become available which has previously been allocated to local political subdivisions.

COMMERCIAL ZONES

The Highways and Transportation Commission is authorized to enforce motor carrier regulations in commercial zones.

EDUCATIONAL COMPLIANCE CONTACTS

Motor carriers may voluntarily request an educational compliance contact by the commission to determine whether the motor carrier is in compliance with relevant statutes and regulations. No fines or penalties will be levied for violations discovered during an educational compliance contact. The commission, however, may take any legal actions necessary to shut down the operation of a motor carrier that has committed a violation that presents a safety issue. A motor carrier may only request one compliance contact every five years. A request for an educational compliance contact must not be a reason for the commission to perform a compliance review.

Motor carriers which are subject to a current complaint investigation cannot be eligible for an educational compliance contact. Motor carriers will have 60 days from the written release of the

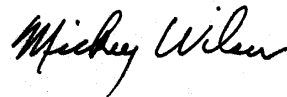
DESCRIPTION (continued)

compliance review findings or educational compliance contacts to appeal the commission's decision to the Administrative Hearing Commission.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Transportation
Department of Public Safety
Office of the Secretary of State
Office of Administration
City of North Kansas City



Mickey Wilson, CPA
Director
April 11, 2005