

HCS HB 591, 210, 377, 760 & 777 -- TRANSPORTATION

SPONSOR: St. Onge (Schlottach)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 15 to 1.

This substitute changes the laws regarding transportation.

SCHOOL BUS DRIVERS

School districts, instead of the Department of Revenue, will be responsible for conducting criminal background checks for school bus drivers. Drivers may continue to operate school busses pending the results of the background check. The substitute provides that each school district must annually have on file a statement from a licensed medical physician indicating that the driver is physically qualified to operate a school bus for the purpose of transporting pupils. For new drivers, the statement must be on file prior to the driver's initial operation of a school bus. This provision applies to drivers employed by the school district or under contract with the school district. Each school district will annually provide at least eight hours of special instruction in school bus driving to each school bus driver employed by or under contract with the school district. School bus examinations for drivers 70 years of age or older are required to be completed annually. Out-of-state residents will be exempt from Missouri's school bus endorsement requirements if the person possesses a valid driver's license and a school bus endorsement from their state of residence.

FEE OFFICES

A fee office may charge \$2.50 for instruction permits, nondriver licenses, chauffeur licenses, and driver's licenses issued for three years or less and \$5.00 for licenses or instruction permits exceeding three years. Currently, a fee office is allowed to impose a \$5.00 fee regardless of the length of the license.

CREDIT FOR TRADE-INS

The substitute stipulates that a bill of sale which a person must submit to the Department of Revenue to claim a trade-in sales tax exemption does not have to be notarized.

SALVAGE VEHICLES

If an insurance company pays a claim on a salvage vehicle and the insured is retaining ownership of the vehicle, as prior salvage, the substitute specifies that the vehicle will not be subject to the examination conducted by the State Highway Patrol in order for a title to be obtained.

REPOSSESSED TITLES

The substitute modifies the process for obtaining a repossessed title. Currently, a lienholder must submit an application describing the repossessed vehicle, an affidavit stating that the debtor defaulted, and a copy of the security agreement. Under the substitute, the lienholder does not have to submit a copy of the security agreement but must state in the affidavit that the lienholder has obtained written consent of all lienholders of record to repossess the vehicle or has provided all lienholders with written notice of the repossession. The lienholder must also give the owner and lienholders a 10-day written notice that an application for a repossessed title will be made. Currently, if the application is not accompanied by the written consent of lienholders, the Department of Revenue will not issue a repossessed title without first providing the parties with 10 days' notice. Under the substitute, the burden is placed upon the repossessing lienholder to notify the parties that the lienholder is seeking a repossessed title.

REISSUANCE OF PLATES AND TABS

The reissuance of license plates is changed from January 1, 2007, to January 1, 2010, and tabs on demand from January 1, 2009, to January 1, 2011, under the provisions of the substitute.

DRIVER'S LICENSES

The substitute clarifies the laws regarding the issuance of six-year and three-year licenses, their respective fees, and their expiration on the applicant's birthday unless licensed for a shorter period due to other requirements of law. Commercial driver's licenses (CDL) issued to 21 to 69 year old individuals will expire on the sixth year after issuance unless the license must be issued for a shorter period due to other requirements of law or for the staggering of work. For individuals under 18 years of age or for those 70 years of age or older, the license will expire the third year after issuance unless the license must be issued for a shorter period due to other requirements of law. A CDL containing a hazardous materials endorsement issued to a person 70 years of age or older will not be issued for a period exceeding three years.

Active duty soldiers and their spouses are exempt from maintaining a valid Missouri driver's license while stationed outside the United States. The exemption will not extend beyond the 90-day period immediately following the soldier's discharge or the date on which he or she returns to Missouri, whichever occurs first.

MEMORIAL HIGHWAYS

The substitute designates a portion of State Highway 58 in

Johnson County from the intersection of State Highway U west to State Highway 131 as the "Veterans Memorial Parkway" and the portion of U. S. Highway 61 from the intersection of State Route B south of the City of La Grange to the intersection of State Route B north of the City of Canton, in Lewis County, as the "Students of Missouri Assisting Rural Transportation (S.M.A.R.T.) Memorial Highway."

OUT-OF-SERVICE ORDERS

The substitute allows the Highways and Transportation Commission to suspend, revoke, or cancel the registration, license, permit, or other credentials issued to a motor carrier if a federal agency or the commission has issued an out-of-service order against the motor carrier. The law is applicable to out-of-service orders placing a motor carrier's entire operation out of service but does not apply to orders placing an individual driver or vehicle out of service.

When the commission issues an order under the substitute, the motor carrier cannot operate any commercial motor vehicle and cannot allow any employee to operate any commercial motor vehicle acting under the carrier's authority or control in intrastate or interstate commerce. The motor carrier must immediately surrender all license plates, motor carrier licenses, registrations, permits, and other credentials. An out-of-state motor carrier will not be eligible to apply for the issuance or reinstatement of any license, registration, permit, certificate, or other credentials until the out-of-service order has been rescinded or the orders have been set aside by a court of proper jurisdiction.

Any federal or state order will be admissible in administrative and court proceedings and the orders will constitute prima facie evidence that the motor carrier violated federal regulations or that the motor carrier's operation poses an imminent safety hazard, or both.

Persons aggrieved by a commission's order are allowed to appeal to a circuit court for a hearing and a review of the order. Judicial review of the order will be waived unless the petition is filed within 30 days of the issuance of the order.

The commission may receive and disclose any data relating to any out-of-service motor carrier to the Federal Motor Carrier Administration, the Department of Revenue, the State Highway Patrol, other law enforcement agencies, and motor carrier liability insurance companies.

The Department of Revenue may immediately, without a hearing, update the records to reflect the suspension, revocation, or cancellation of all motor vehicle license plates, registrations, and other credentials. The department must notify the motor

carrier and the commission of all actions taken pursuant to the commission's order.

VEHICLES TRANSPORTING SOLID WASTE

The substitute moves the weight limit restrictions on garbage trucks from the environmental control regulations to the traffic regulations.

The school bus and commercial driver license provisions contain an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPONENTS: Supporters say that the bill contains provisions that allow the Department of Revenue to streamline their process, strengthen and simplify the licensing process for school bus drivers, and helps bring the state in compliance with the federal Patriot Act.

Testifying for HB 591 were Representative Schlottach; Department of Revenue; Department of Elementary and Secondary Education; Missouri Association of Public Transportation; Missouri School Bus Contractors Association; Missouri Association for Pupil Transportation; Missouri Motor Carriers Association; and Missouri School Administrators Coalition. Testifying for HB 210 was Representative Pearce. Testifying for HB 377 were Representative Wilson (119); Department of Revenue; and State Highway Patrol. Testifying for HB 760 were Representative Munzlinger; and Students of Missouri Assisting Rural Transportation (S.M.A.R.T.). Testifying for HB 777 were Representative Schlottach; Department of Transportation; and Missouri Motor Carriers Association.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Legislative Analyst