

SECOND REGULAR SESSION

HOUSE BILL NO. 1963

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ST. ONGE.

Read 1st time March 7, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5293L.02I

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to certification standards for law enforcement officials who enforce commercial motor vehicle laws.

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

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.232, to read as follows:

304.232. 1. The Missouri state highway patrol shall establish procedures for the certification of municipal police officers, sheriffs, deputy sheriffs, and other law enforcement officials to enforce the commercial motor vehicle safety laws and regulations of this state.

2. The certification procedures established by the Missouri state highway patrol shall include, but not be limited to:

(1) Initial and maintenance of certification, to include:

(a) Training;

(b) Recurring training, to be conducted minimally on an annual basis;

(c) Testing; and

(d) On-the-job experience under the supervision of a certified law enforcement official or field training officer.

(2) Delineation of roles and responsibilities within the specific agency, as well the coordination with the Missouri state highway patrol;

(3) Data collection and maintenance and upload to state information systems;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (4) Computer hardware, software, and communications systems shall be compatible
17 with those of the Missouri state highway patrol;

18 (5) Fine and sanction structure that is similar to that of the Missouri state highway
19 patrol; and

20 (6) Disposition of moneys generated by fines.

21 3. The certification procedures shall meet the requirements of the memorandum
22 of understanding between the state of Missouri and the Commercial Vehicle Safety
23 Alliance or any successor organization.

24 4. The commercial motor vehicle safety enforcement and inspection activities of all
25 law enforcement officials of a political subdivision of the state of Missouri shall conform
26 to the memorandum of understanding between the state of Missouri and the Commercial
27 Vehicle Safety Alliance, as appropriate.

28 5. Commercial motor vehicle safety data collection, management and distribution
29 by law enforcement officials of a political subdivision of the state of Missouri shall support
30 the information systems of the Missouri state highway patrol.

31 6. The Missouri state highway patrol shall establish reasonable fees sufficient to
32 recover from a political subdivision of the state of Missouri the cost of training, recurring
33 training, data collection and management, certifying, and additional administrative
34 functions for law enforcement officials certified under this section. The Missouri state
35 highway patrol may apply for any applicable reimbursement or incentive funds that may
36 be available under the motor carrier safety assistance program to fund the certification
37 training program outlined in this section.

38 7. The agencies for which law enforcement officials certified under this section
39 work for shall, to the extent practicable, adhere to the same Motor Carrier Safety
40 Assistance Program requirements under 49 Code of Federal Regulations Part 350 of the
41 Federal Motor Carrier Safety Regulations.

42 8. The agencies for which law enforcement officials certified under this section
43 work for shall be subject to periodic program reviews and, at the discretion of the Missouri
44 state highway patrol, be required to submit a commercial vehicle safety plan that is
45 consistent with and incorporated into the statewide enforcement plan.

46 9. Beginning July 1, 2007, no law enforcement officer may make an arrest, issue a
47 citation, or conduct a commercial motor vehicle roadside inspection to determine
48 compliance with the applicable commercial motor vehicle laws under this chapter, chapter
49 307, or any statute or regulation relating to the enforcement of a commercial motor vehicle
50 law unless the law enforcement officer has satisfactorily completed, as a part of his or her
51 training, the basic course of instruction developed by the Commercial Vehicle Safety

52 Alliance and has been certified by the Missouri state highway patrol under this section.
53 Law enforcement officers authorized to enforce commercial motor vehicle laws shall
54 annually receive in-service training related to commercial motor vehicle operations,
55 including but not limited to training in current federal motor carrier safety regulations,
56 safety inspection procedures, and out-of-service criteria. The annual training
57 requirements shall be designated and specified by the superintendent of the highway
58 patrol.

59 **10.** The superintendent of the state highway patrol shall promulgate rules and
60 regulations necessary to administer the certification procedures and any other provisions
61 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
62 RSMo, that is created under the authority delegated in this section shall become effective
63 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
64 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
65 nonseverable and if any of the powers vested with the general assembly pursuant to
66 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
67 are subsequently held unconstitutional, then the grant of rulemaking authority and any
68 rule proposed or adopted after August 28, 2006, shall be invalid and void.

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