

HCS HB 1340, 1549, 1918 & 1998 -- TRANSPORTATION

SPONSOR: St. Onge (Schlottach)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 13 to 0.

This substitute changes the laws regarding transportation.

OPERATION OF COMMERCIAL MOTOR VEHICLES

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 provisions of 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of any license, registration, permit, certificate, or other credentials until the out-of-service order has been rescinded or the orders have been set aside by a court of proper jurisdiction.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.

OUTDOOR ADVERTISING

The substitute authorizes the Highways and Transportation Commission to void billboard permits without paying compensation:

(1) When there has been any misrepresentation of a material fact by the applicant on a permit application and the sign is removed under law;

(2) When the commission determines that a change has been made to a conforming sign by the sign owner and the sign has been removed under law; or

(3) When the commission determines that a substantial change has been made to a nonconforming sign by the sign owner so that the sign's nonconforming status was terminated and the sign was removed under the commission's administrative rules for maintenance of nonconforming signs.

The commission may also void any permit when it determines that a permit has been erroneously issued by any Department of Transportation staff member in violation of any state law or administrative rule. The billboard must be subject to removal, and compensation must be paid pursuant to law.

A local zoning authority will be prohibited from requiring the removal or alteration of a legally erected outdoor advertising structure as a condition or prerequisite for the issuance or continued effectiveness of a permit, license, or other approval for any use, structure, development, or activity other than outdoor advertising including a request for rezoning without the payment of just compensation.

VACATING ROADS

A procedure is established that is similar to that used by township counties for residents of St. Charles County to vacate any road no longer serving the public.

LOCAL LOG TRUCKS

The radius within which a local log truck or log truck tractor may operate is increased from 50 to 100 miles.

PROOF OF LAWFUL PRESENCE

Applicants for the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license will be exempt from showing proof of lawful presence if the applicant:

- (1) Submits a Certificate of Release or Discharge from Active Duty, DD Form 214, noting honorable discharge;
- (2) Has previously held a noncommercial driver's license, noncommercial instruction permit, or nondriver's license for a period of 15 years or more; or
- (3) Is 65 years of age or older and has previously been issued a Missouri noncommercial driver's license, noncommercial instruction permit, or nondriver's license.

If any federal law prohibits an exemption or would result in the loss of federal funding, the Director of the Department of Revenue must apply for any federal waiver necessary to allow veterans to utilize a Certificate of Release or Discharge from Active Duty in lieu of the requirements for submission of a birth certificate.

INTERMEDIATE DRIVER'S LICENSES

A holder of an intermediate driver's license is allowed 30 days after reaching 18 years of age to apply for full driving privileges with further testing.

UTILITY ALL-TERRAIN VEHICLES

The substitute changes the definition of "all-terrain vehicle" to include certain utility vehicles manufactured and used exclusively for off-highway use.

IDLING ENGINE FUEL REDUCTION

Any heavy-duty vehicle equipped with an idle reduction technology system is allowed an increase in the maximum gross vehicle weight limit and the axle weight to compensate for the additional weight of the system. The weight increase must not exceed 400 pounds.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters of HB 1340 say that the bill promotes safety on the highways by keeping unsafe vehicles off the road.

Supporters of HB 1549 say that the lawful presence exemptions in

the bill make sense and are justified.

Supporters of HB 1918 say that having a license for 15 years should be sufficient evidence to document proof of lawful presence. If a person has held a license in Missouri for 15 years, it is unlikely that he or she would be a terrorist threat.

Supporters of HB 1998 say it will bring Missouri into compliance with federal law.

Testifying for HB 1340 were Representative Schlottach; and Missouri Motor Carriers Association. Testifying for HB 1549 were Representative Pearce; and Missouri Veterans Commission. Testifying for HB 1918 was Representative Parson. Testifying for HB 1998 were Representative St. Onge; Department of Transportation; and Missouri Outdoor Advertising Association.

OPPONENTS: Those who oppose HB 1998 say that they have a problem with an owner who wants to do something else with his or her property and requests it be rezoned which would require compensation for the billboards.

Testifying against HB 1998 was Missouri Municipal League.

Robert Triplett, Legislative Analyst