

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1766-06
Bill No.: SS for SCS for HB 596 w/ SA 1 & SA 2
Subject: Motor Vehicles; Licenses - Motor Vehicle; Revenue Department; Transportation
Type: Original
Date: May 17, 2007

Bill Summary: This proposal modifies various provisions relating to the regulation of motor vehicles.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(Greater than \$1,164,000)	(Greater than \$14,034,000)	(Greater than \$10,597,500)
Total Estimated Net Effect on General Revenue Fund	(Greater than \$1,164,000)	(Greater than \$14,034,000)	(Greater than \$10,597,500)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 31 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Road Fund	Unknown to (Greater than \$8,400)	Greater than \$26,705,250 to (Unknown)	Greater than \$19,574,512 to (Unknown)
Highway Fund	(Greater than (\$202,667))	(Greater than \$202,667)	(Greater than (\$202,667))
Various State Funds	\$0	(\$5,255,250)	(\$3,852,013)
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown to (Greater than \$211,067)	Greater than \$21,247,333	Greater than \$15,519,832

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Federal Funds	(\$28,450,000)	(\$53,450,000)	(\$53,450,000)
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$28,450,000)	(\$53,450,000)	(\$53,450,000)

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE			

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	Unknown to (Greater than \$29,582)	Unknown to (Greater than \$8,609,582)	Unknown to (Greater than \$6,289,000)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Economic Development, Department of Labor and Industrial Relations, Department of Higher Education, Department of Agriculture, Department of Natural Resources, Department of Conservation, Missouri Senate, Department of Public Safety, Office of the State Courts Administrator, Department of Mental Health** and the **Department of Health and Senior Services** assume this proposed bill would have no fiscal impact on their agency.

Officials at the **Office of the Attorney General (AGO)** assume that any costs associated with this proposal can be absorbed with existing resources. While the AGO anticipates that certain new appeals may be generated by some of the changes to the driver's license and commercial driver's license statutes, AGO assumes that any additional appeals can be handled with existing resources.

Officials at the **Department of Corrections (DOC)** assume this legislation modifies provisions of various transportation issues. Crime criteria is enhanced for illegal lien releases. The penalty provision component of the bill resulting in potential fiscal impact for the DOC, is for up to a class C felony.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will

incur a corresponding increase in operational cost either through incarceration (FY06 average of \$39.43 per inmate, per day or an annual cost of \$14,394 per inmate) or through supervision provided by the Board of Probation and Parole (FY06 average of \$2.52 per offender, per day or an annual cost of \$920 per offender). Supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seven (7) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Oversight assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

Officials at the **Department of Elementary and Secondary Education** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

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 regulations at substantial costs, the SOS could request funding through the appropriation process.

Agencies responded in similar legislation filed this year (SB104, SB52 and SB 239, 24 & 445) that the following sections would have no fiscal impact on state funds.

Sections 227.103 and 227.107 Bid Bond

Section 301.640 Motor Vehicle Liens

Section 307.100 Motorcycle Headlamps

Sections 307.010, 307.015, 307.090, etc Penalties for various sections.

Sections 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, 385.436 MO Vehicle Protection Product Act

Section 94.660

In response to similar legislation filed this year (SB 605) officials of the **Department of Revenue** assume no fiscal impact to the department.

Officials of the office of the Director of Administration of **St. Louis County** assumes no fiscal impact.

Oversight assumes that by removing the “coupling provision” contained in current law, would make establishing the sales tax easier to impose in either jurisdiction. Current law requires passage by both the City of St. Louis and St. Louis County before either could impose a sales tax for transportation purposes. Oversight assumes no state or local fiscal impact.

Section 227.115 - Sales tax exemption for materials used by MoDOT

Officials at the **Missouri Department of Transportation** (MoDOT) assume this legislation exempts contractors from paying sales tax on materials used in MoDOT projects. Currently there is an exemption of sales of personal property and materials used for the purpose of constructing, repairing, or remodeling facilities for counties, other political subdivisions and certain exempt entities from the state sales tax. This bill would add the MoDOT as an exempt entity. Therefore, materials could be purchased by a contractor for a MoDOT project on a tax-exempt basis.

The sales tax which contractors currently pay on materials purchased for MoDOT projects is included in the project cost which is paid by MoDOT. Assuming that contractors would reduce their project costs due to the ability to purchase materials on a tax-exempt basis, this bill would result in a cost savings for MoDOT.

Based on 2007-2011 Statewide Transportation Improvement Program (STIP); 50 percent of construction contracts is labor, 50 percent is materials; July 1, 2008 effective date; sales tax rate of 4.225%. The cost savings were calculated as follows:

Fiscal Year	STIP Awards	% Materials	Material Cost	Sales Tax Rate	Cost Savings
2008	\$1,189,100,000	50%	\$594,550,000	4.225%	\$25,119,738
2009	\$858,000,000	50%	\$429,000,000	4.225%	\$18,125,250
2010	\$628,900,000	50%	\$314,450,000	4.225%	\$13,285,513
2011	\$490,000,000	50%	\$245,000,000	4.225%	\$10,351,250
2012	\$490,000,000	50%	\$245,000,000	4.225%	\$10,351,250

MoDOT assumes there would be an additional amount of cost savings for the local sales tax, however the amount would vary by city/county. Therefore the additional savings is unknown.

In response to a similar proposal from this year (HB 248), officials at the **Office of Administration's Budget and Planning** assumed this bill would exempt contractors from paying sales tax on Missouri Department of Transportation, and the State Highways and Transportation Commission projects. This proposal will decrease General and Total State Revenues. The Department of Transportation should provide the estimate of possible increased costs and revenues to the state as a result of this proposal.

Oversight calculated the revenue impact to include a tax loss impact to local government with a sales tax rate of 2%. The chart below shows the breakdown of the tax impact on the projected materials cost.

Oversight assumes this proposal would create a savings for the Road Fund of \$26.7 million for FY2009 and \$19.5 million for FY2010. This savings is passed on to MoDOT as it is calculated into the materials cost submitted by the vendors. Combined gains in the Road Fund equal the losses to the General Revenue Fund, School District Trust Fund, Conservation Fund, Parks and Soils Fund and local city/county funds from this proposal.

Oversight assumes that a reduction in the federal reimbursement may occur as a result of the tax loss. The federal impact is unknown.

	Fiscal Year 2009	Fiscal Year 2010
Materials Cost	\$429,000,000	\$314,450,000
GR Fund 3%	\$12,870,000	\$9,433,500
School Fund 1%	\$4,290,000	\$3,144,500
Conservation Fund .125%	\$536,000	\$393,063
Parks and Soil Fund .1%	\$429,000	\$314,450
Local 2%	\$8,580,000	\$6,289,000
Total Savings to Road Fund	\$26,705,250	\$19,574,512

In response to a similar proposal from this year (HB 248), officials at the **Department of Revenue** assume no fiscal impact for their department for this proposal.

Sections 226.527, 226.530 and 226.580 Void Billboards

In response to similar legislation filed this year (SB130) officials at the **Missouri Department of Transportation (MoDOT)** assume this bill authorizes the Missouri Highway and Transportation Commission (MHTC) to void outdoor advertising permits if: (1) there was a misrepresentation of a material fact by an applicant on an application; (2) MHTC determines a change was made to a conforming sign by its owner such that it is illegal; or (3) a substantial change has been made to a nonconforming sign by the owner such that the sign's nonconforming status has changed contrary to state administrative rules. The bill specifies that under the above referenced circumstances, the sign owners are not entitled to compensation by MHTC.

The bill also allows MHTC to void a permit which was erroneously issued by MoDOT staff in violation of any state law or administrative rule. Under those circumstances, the sign owner is entitled to compensation from MHTC under the terms of section 226.530. MoDOT believes that outdoor advertising applicants and MoDOT will comply with this law, therefore, there should be no fiscal impact.

Section 227.295 - DWI Sign program for MoDOT

In response to a similar proposal from this year (SB104) officials from the **Missouri Department of Transportation** stated this creates the Drunk Driving Victim Memorial Sign program and requires MoDOT to establish rules and regulations for the program. MoDOT will be responsible for the sign application process, the sign qualification process, the procedure for sign dedication, and procedures for replacement or restoration of signs that are damaged or

stolen. MoDOT will also be responsible for determining placement, location and spacing of the signs. There should be no fiscal impact to MoDOT, because a "sponsoring fee" may be charged to cover costs in designing, constructing, placing and maintaining the signs, as well as MoDOT's costs in administering the program. The total cost of two signs, one for each direction will be \$1,040. Based on statistics from DPS, Missouri averages about 270 alcohol related fatalities per year. If signs are made in each instance, this would result in a total cost of \$280,800 per year. As stated in the bill, the cost will be paid by private donations for each 10 year term the signs are displayed.

Oversight assumes that since MoDOT would be charging a "sponsoring fee" that there would be no fiscal impact to the State or Road Fund for this proposal. MoDOT will be able to cover the entire cost of the program from the fee.

Sections 238.202 - 238.275 - Transportation Development Districts

Oversight assumes no fiscal impact from this part of the proposal.

Section 301.010 Local Log Trucks

In response to similar legislation filed this year (SB349) officials at the **Missouri Department of Transportation (MoDOT)** assume the current law for "Local log truck" and "Local log truck tractor" appears to allow these vehicles to bypass our current overweight permitting process and allows heavier than normal legal loads that do not meet the customary limits of RSMo 304.180 to travel state highways within the current fifty mile radius. Potentially, expanding this area to one hundred miles could lead to additional damage and/or increased risk of unexpected collapse of existing bridges on our system. Also, additional "wear and tear" on our structures due to these overweight vehicles, where capacity of the individual bridge is not checked through our permit process, will likely shorten the life of our bridges on the state system and increase bridge maintenance needs. Considering the current condition of our bridges and lack of funding we feel this would have a detrimental impact on MoDOT's bridge infrastructure. MoDOT is unable to estimate the fiscal impact to the state road fund at this time. The cost likely would run in the millions of dollars for additional bridge replacements, increased bridge maintenance costs, re-rating analysis of these bridges, and installation of new posting signs.

Officials at the **City of Centralia, St. Louis County** and the **City of Kansas City** each assume that there is no fiscal impact from this proposal.

Oversight assumes that there is no direct fiscal impact from the implementation of this proposal on MoDOT or cities or counties. Road and bridge repair and replacement costs are figured into the on-going maintenance costs already performed by MoDOT, cities and counties.

Section 301.029 Self-propelled Sprayers

In response to a similar proposal from this year (SB 104), officials from the **Department of Revenue** and the **Missouri Highway Patrol** assumed that there is no fiscal impact from this section.

Officials at the **Missouri Department of Transportation (MoDOT)** assume this section exempts self-propelled sprayers, floaters and other forms of implements of husbandry used for agricultural purposes from paying titling, registration and license plate fees. The fiscal impact to the department would be unknown but significantly greater than \$100,000.

Section 301.040 Ads in Driver registration

In response to similar legislation filed this year (HB 744) officials at the **Department of Revenue** assume to continue to provide the improved way we notify our customers of their vehicle registration renewal, including sharing information, and privacy protection, with the current vendor, the Department of Revenue will incur \$1,064,000 for 3.8 million renewal notices issued each year because the proposal does not allow for the ability to advertise

Sections 301.440, 301.150, 301.131, 301.310, 301.420 Motor Vehicle Registration Violations Punishment

Oversight assumes part of the proposal could impact fine revenue collected for local school districts.

Section 301.301 - Stolen License plate tabs;

In response to a similar proposal from this year (SB 104) officials at the **Department of Revenue (DOR)** assumed in FY'06 the department issued 16,669 replacement tabs due to theft in which the applicant paid the \$8.50 fee because he/she did not submit a police report. Since a police report is no longer required for tabs issued prior to January 1, 2009, there will be a decrease in replacement tab revenue of approximately \$118,333 in FY '08 and \$71,000 in the first half of FY'09 due to issuing these tabs at no fee due to theft. The \$8.50 replacement tab revenue is distributed as follows: \$1 to highway, \$7.50 is split 75-15-10 to highway fund and cities and counties.

The following loss would occur:

Highway Funds (\$102,667)

City Funds (\$17,749)

County Funds (11,833)

Sections 302.272, 302.275 & 302.321 School bus drivers;

Oversight assumes sections 302.272 and 302.275 would not fiscally impact the state. Section 302.321 could result in additional fine revenue for local school districts.

Section 302.305 Restrictive License Plates;

Officials at the **Department of Revenue** assume an unknown increase in revenue from applicants who must purchase the restrictive license plates.

Section 302.321 Traffic fine revenue limitation for political subdivisions;

In response to a similar proposal from this year (HB 122), officials of the **Department of Elementary and Secondary Education** assumed no fiscal impact to their department or to schools.

In response to a similar proposal from this year (HB 122), officials of the **Department of Revenue** stated this proposal would have minimal fiscal impact to the department.

In response to a similar proposal from this year (HB 122), officials of the **Office of State Auditor** stated that this bill would annually require the SAO to audit any city, town or village that fails to send excess revenues from traffic violations to the Department of Revenue in a timely fashion.

Officials stated the cost of this requirement is unknown as the number of municipalities that will need to be audited as a result of this provision is also unknown. There are approximately 861 cities, towns and villages in Missouri, so the fiscal impact may be significant, but is unquantifiable. In addition, it is anticipated that additional audits that are required as a result of this bill will require additional FTE at the SAO, which may be significant.

Oversight assumes this proposal would only affect those cities and villages that receives more than 35% of their operating revenue from fines and court costs for traffic violations occurring on state highways, that do not pay revenues from violations in excess of 35% to the DOR in a timely fashion.

Oversight assumes this would not affect a very large number of cities. Oversight assumes if the number of cities that would require annual audits were to reach an unusually large number, the State Auditor could request additional FTE, and other resources through the annual appropriation process.

Oversight will show a loss of revenue to certain cities, and an increase of income to certain school districts via the Department of Revenue. Amounts of excess revenues are indeterminable and will be shown as unknown.

Sections 302.545, 302.755, 302.775 Expungement & Driver Rules

In response to similar legislation filed this year (SB50 & HB 744) the following responded as follows:

Officials from the **Department of Revenue** state that the **Office of Administration Information Technology** estimates that this section could be implemented utilizing existing resources of 2 FTE's at a CITS 1 level (\$4,546) for 3 months. However, if priorities shift and additional FTE/overtime would be needed to implement, the cost will be approximately \$27,276. The effort includes extensive change to the Missouri Driver's License system (MODL).

According to officials from the **Missouri Department of Transportation (MoDOT)**, Section 302.545 provides that a person who is less than 21 years of age and whose driving privilege has been suspended or revoked for driving with 2/100 of one percent of blood alcohol content shall not have their record expunged if the person was holding a commercial driver's license at the time of the offense, and the person had a blood alcohol content of at least 4/100 of one percent. If the driver's blood alcohol content is under 4/100 or one percent, their record may be expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs.

According to an official from the Federal Motor Carrier Safety Administration, this provision would be a violation of 49 Code of Federal Regulation (C.F.R.), Section 384.225, which requires a state to retain records of commercial driver's license holder's traffic violations, in any type of vehicle, for a certain amount of time, which is determined based on the nature of the violation. The applicable section in this case is section 384.225(d), which requires this type of conviction to be retained for at least 3 years.

As currently written, the proposed legislation would subject the state to the withholding of federal funds pursuant to 49 C.F.R. Section 384.401.

- For the first year of a violation, 5% of funds, or approximately \$25 million
- For second and subsequent years, 10% of funds, or approximately \$50 million

Missouri would also be subject to withholding of Motor Carrier Safety Assistance Program (MCSAP) and New Entrant grant moneys. The amount Motor Carrier Services would lose under such a withholding would be approximately \$2,600,000.

Officials at the **Office of Prosecution Services** assume this proposal would not have a significant direct fiscal impact on county prosecutors or the Office of Prosecution Services.

Officials at the **Office of the State Public Defender** and the **Missouri Highway Patrol** assume that there is no fiscal impact from this proposal.

Oversight assumes that any cost associated with the implementation of this proposal could be absorbed with existing resources.

Section 304.015 Commercial Districts

Officials at the **Missouri Department of Transportation** assume this proposal restricts truck travel in the far left lane on an interstate highway at a specific location on I-70 within 3 miles of MO 340. MoDOT would have to install 16 total traffic signs to alert drivers of this change. The department would need to install 8 signs in each direction. This would include, in each direction, 1 set of advance notice signs prior to the restricted zone, 2 sets of regulatory signs within the zone & 1 set of signs indicating the end of the zone. The total cost for the 16 signs is approximately \$8,400. This cost reflects the cost of materials needed to fabricate the signs and does not include any labor or maintenance cost. MoDOT is concerned with the reaction trucks would take when they come across this area. They would be required to maneuver through traffic to obey and the more they have to move in such a tight area, the more dangerous this area will become.

Section 304.032 Utility Vehicles

In response to a similar proposal from this year (HB 397), officials at the **Office of the State Public Defender** assumed passage of this proposal increases penalties on existing crimes or creates new crimes. The number of new cases may be too few or uncertain to request additional funding for this specific bill.

In response to a similar proposal from this year (HB 397), officials at the **Office of Prosecution Services** assumed this proposed legislation includes provisions for new criminal acts which potentially creates new additional obligations for prosecuting attorneys. Any increase in the number of cases referred for criminal prosecution and any new statutory obligations for prosecutors will have an additional fiscal impact on County Prosecutors. However, officials from the Office of Prosecution Services are not aware of any estimates of the number of additional criminal cases that would be referred to County Prosecutors for charges because of this proposed legislation. Additionally, the Office of Prosecution Services is not otherwise able to establish a workable estimate of the number of additional criminal cases that would be referred to County Prosecutors for charges or how many additional hours the proposed statutory obligations would require of prosecutors. It is therefore, not possible to determine the extent to which this

proposal would have a direct fiscal impact on County Prosecutors for the Office of Prosecution Services.

Oversight assumes that it is difficult to estimate the number of individuals who would violate the provisions of this proposal. Oversight assumes that the Office of the State Public Defender and the Office of Prosecution Services could absorb the cost of any cases arising from this legislation. Should a large number of cases arise then they could seek additional money through the appropriation process.

In response to a similar proposal from this year (HB 397), officials at the **Department of Transportation** and the **Missouri Highway Patrol** assumed that there is no fiscal impact from this proposal.

In response to a similar proposal from this year (HB 397), officials at the **City of Kansas City** and the **City of Centralia** assume that any costs associated with issuing the permits will be offset by the revenue for the permits.

Section 304.170 Driveway Saddlemount Combinations

In response to similar legislation filed this year (SB 82) the following responded as follows:

Officials from the **Missouri Department of Transportation (MoDOT)** and **Department of Revenue** assume the proposal will have no fiscal impact on their organizations.

MoDOT notes that this section of the proposal is federally mandated under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) enacted August 10, 2005, as public law 109-59. Section 4141 of SAFETEA-LU amended 49 United States Code (U.S.C.) Section 31111(b)(1) by adding paragraph (D) which prohibits states from prescribing or enforcing a regulation that imposes a vehicle length limitation of not less than or more than 97 feet on a drive away saddle mount with full mount vehicle transporter combinations.

Section 304.232 - Commercial Vehicle Enforcement

In response to a similar legislation filed this year (SB 484) the **Boone County Sheriff's Office** assumed their agency may incur additional costs from the initial certification and re-certification by the MHP.

Oversight assumes local police departments and sheriff's offices may decide to become certified by the Highway Patrol in order to have the authority to conduct random roadside examinations or inspections. Oversight assumes the local police departments and sheriff's offices may incur

additional expense in getting this certification. Therefore, Oversight will range the expense to local political subdivisions from \$0 to (Unknown). Oversight also assumes the MHP would collect fees for these certifications enough to cover their expenses. Oversight will assume a zero net effect to the state's Road Fund.

Section 307.179 Child Booster Seats

In response to similar legislation filed this year (SB 445) the following responses were received:

Officials at the **Missouri Department of Transportation (MoDOT)** assume this section will allow church buses and vans to be exempted from the requirement in 307.179 that children under the age of 16 being transported in a motor vehicle to be properly restrained. While buses, if they do not already have safety belts installed in them, are already exempted, a state cannot allow vans to be exempted by law and still qualify to receive the federal incentive grant for having a child passenger restraint law.

The National Highway Traffic Safety Administration has allowed states to have an exemption for school buses and public carriers for hire, but does not allow exemptions for passenger vans. MoDOT is unsure at this time if we will still be able to receive the SAFETEA-LU incentive grant under section 2011 (booster seat incentive grant). The grant is approximately \$850,000 annually.

Oversight shows the potential loss of the federal grant with the adoption of this proposal as \$0 to \$850,000.

Sections 387.075, 390.030 & 390.372 - Household Common Carriers

Officials at the **Missouri Department of Transportation (MoDOT)** assume the number of carriers regulated for household goods moving would increase, due to the large number of commercial zone only movers operating in St. Louis, Kansas City and Springfield among others.

By increasing the number of motor carriers and their motor carrier vehicles within the Missouri Highway and Transportation Commission's (MHTC) regulatory jurisdiction, this legislation would generate additional license fee revenues for MHTC from the sale of additional regulatory licenses to these carriers pursuant to section 390.136, RSMo. The positive fiscal impact for the additional license fees is unknown.

This bill would also result in a significant number of additional motor carriers applying to MHTC for operating authority certificates and permits to transport household goods, because the changes to section 390.030 would eliminate the exemptions currently applicable to motor vehicles operated wholly within a single municipality, or between contiguous municipalities, or within a commercial zone as defined in § 390.020, RSMo, or a commercial zone as defined by an administrative order issued under § 390.041(4), RSMo. This increase in the number of

household goods motor carrier operating authority applications would place an undetermined additional workload on MoDOT's Motor Carrier Services Division to process these new applications, and to enforce the requirements of chapter 390, RSMo, with reference to these formerly exempt motor carriers. The cost to implement these provisions is unknown. However, MoDOT does not believe the cost to implement this legislation will be more than the revenue received. Officials at MoDOT assume the total fiscal impact of this legislation is unknown.

Oversight assumes that there will be an increase in the revenue generated from the issuance of the additional license fees and that the revenue generated will be greater than the cost to MoDOT to implement the proposal. The fiscal impact is unknown.

Section 390.021 Unified Carrier Registration Act

In response to similar legislation filed this year (HB 744) the following groups responded as follows:

Officials at the **Missouri Department of Transportation (MoDOT)** assume the Unified Carrier Registration (UCR) Agreement was established in the federal UCR Act of 2005, as part of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59, August 10, 2005). The UCR Act repeals and replaces the federal Single State Registration System (SSRS), the current system under which the states operate, effective January 1, 2007.

Upon the January 1, 2007 repeal of SSRS, states operating under SSRS will be prohibited from continuing to collect interstate regulatory license fees and regulatory license fees from interstate motor carriers that are exempted from SSRS, regardless of whether or not the state has joined the UCR Agreement. This legislation is necessary to allow the State to participate in the new Federal registration act "UCR" and continue to collect fees.

Passage of this section will allow MoDOT to continue to collect an estimated \$2,342,000 in registration fees. If this legislation does not pass, Missouri forfeits the registration fees to another state who does participate in UCR. MoDOT assumes no fiscal impact as long as this legislation passes. If not, the department will have a \$2,342,000 loss in registration fees annually.

Oversight assumes that the state will comply with federal law and not lose the annual registration fee revenues.

Section 407.732 Rental Cars

In response to similar legislation this year (HB 1029) officials from the **Office of Attorney General** assume that any potential costs arising from this section can be absorbed with existing resources.

Section 407.815 Motor Vehicle Franchise Practices Act;

In response to similar legislation filed this year (SB 82) the following responded as follow:

Officials from the **Administrative Hearing Commission** anticipate that this legislation will not significantly alter its caseload; however, if other similar bills also pass, there will be fiscal impact. If there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Department of Revenue** and the **Missouri Department of Transportation** state this section of the proposal will have no fiscal impact on their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2008	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Loss</u> - Department of Revenue ads in registration notices (301.040)	(\$1,064,000)	(\$1,064,000)	(\$1,064,000)
<u>Income</u> - Department of Revenue purchase of restrictive license plates (302.305)	Unknown	Unknown	Unknown
<u>Loss</u> - Department of Corrections impact of legislation on system	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)
<u>Loss</u> - Department of Revenue Sales tax exemption for MoDOT projects (227.115)	\$0	(\$12,870,000)	(\$9,433,500)
<u>Loss</u> - Transfer out to school districts excess fine revenue over 35% of annual general operating revenue (Section 302.321)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(Greater than \$1,164,000)</u>	<u>(Greater than \$14,034,000)</u>	<u>(Greater than \$10,597,500)</u>

ROAD FUND

Income - MoDOT

Sponsoring Fee for DWI Sign Program (Section 227.295)	\$234,000	\$280,800	\$280,800
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Savings - MoDOT

Sales tax exemption for MoDOT projects (227.115)	\$0	\$26,705,250	\$19,574,512
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Income - Missouri Highway Patrol

Fees from police departments and sheriff's offices to become certified to conduct random roadside examinations or inspections of commercial vehicles (304.230)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
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Income - MoDOT

Additional license fee revenues for household common carriers (Section 387.075)	Unknown	Unknown	Unknown
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<u>Costs</u> - MoDOT - expenses of creating signs for DWI sign program (227.295)	(\$234,000)	(\$280,800)	(\$280,800)
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Costs - Missouri Highway Patrol

Cost of certification of local police and sheriffs on commercial vehicle enforcement	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
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Cost - MoDOT

Signs alerting trucks to use far left lane (Section 304.015)	(\$8,400)	\$0	\$0
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Costs - MoDOT

Additional workload because of increase in motor carrier applications (Section 387.075)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT TO THE
ROAD FUND**

<u>Unknown to</u> <u>(Greater than</u> <u>\$8,400)</u>	<u>Greater than</u> <u>\$26,705,250 to</u> <u>(Unknown)</u>	<u>Greater than</u> <u>\$19,574,512 to</u> <u>(Unknown)</u>
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HIGHWAY FUND

<u>Loss</u> - Department of Revenue Replacement tabs (301.301)	(\$102,667)	(\$102,667)	(\$102,667)
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<u>Loss</u> - Department of Transportation Self propelled sprayers (301.029)	<u>(Unknown</u> <u>greater than</u> <u>\$100,000)</u>	<u>(Unknown</u> <u>greater than</u> <u>\$100,000)</u>	<u>(Unknown</u> <u>greater than</u> <u>\$100,000)</u>
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**ESTIMATED NET EFFECT ON
HIGHWAY FUNDS**

<u>(Greater than</u> <u>\$202,667)</u>	<u>(Greater than</u> <u>\$202,667)</u>	<u>(Greater than</u> <u>\$202,667)</u>
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VARIOUS STATE FUNDS

<u>Loss</u> - School District Trust Fund Sales tax exemption for MoDOT projects (227.115)	\$0	(\$4,290,000)	(\$3,144,500)
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<u>Loss</u> - Conservation Fund Sales tax exemption for MoDOT projects (Section 227.115)	\$0	(\$536,250)	(\$393,063)
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<u>Loss</u> - Parks and Soils Fund Sales tax exemption for MoDOT projects (Section 227.115)	\$0	(\$429,000)	(\$314,450)
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ESTIMATED NET EFFECT TO VARIOUS STATE FUNDS	<u>\$0</u>	<u>(\$5,255,250)</u>	<u>(\$3,852,013)</u>
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FEDERAL FUNDS

<u>Loss</u> - Withholding of Federal Funds (Section 302.545)	(\$25,000,000)	(\$50,000,000)	(\$50,000,000)
<u>Loss</u> - Federal Grant Money (302.545)	(\$2,600,000)	(\$2,600,000)	(\$2,600,000)
<u>Loss</u> - SAFETEA-LU grant (307.179)	<u>\$0 to (\$850,000)</u>	<u>\$0 to (\$850,000)</u>	<u>\$0 to (\$850,000)</u>

ESTIMATE NET EFFECT

FEDERAL FUNDS	<u>(\$28,450,000)</u>	<u>(\$53,450,000)</u>	<u>(\$53,450,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
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POLITICAL SUBDIVISIONS

<u>Loss</u> - Cities and Counties - Sales tax exemption for MoDOT projects (227.115)	\$0	(\$8,580,000)	(\$6,289,000)
<u>Loss</u> - cities and counties - replacement tabs (Section 301.301)	(\$29,582)	(\$29,582)	\$0
<u>Costs</u> - local police and sheriff's departments for certification for the ability to inspect commercial vehicles (304.232)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Loss</u> - Cities, Towns and Villages Change in excess fine revenue laws (Section 302.321)	(Unknown)	(Unknown)	(Unknown)
<u>Income</u> - School Districts Change in excess fine revenue laws (Section 302.321)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

**ESTIMATED NET EFFECT TO
LOCAL POLITICAL SUBDIVISIONS**

<u>Unknown to (Greater than \$29,582)</u>	<u>Unknown to (Greater than \$8,609,582)</u>	<u>Unknown to (Greater than \$6,289,000)</u>
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FISCAL IMPACT - Small Business

Small businesses in the transportation industry could be impacted as a result of this proposal.

FISCAL DESCRIPTION

This bill modifies various provisions relating to the regulation of motor vehicles. In its main provisions, the substitute:

SALES TAX EXEMPTION FOR HIGHWAY CONSTRUCTION MATERIALS (Section 227.115);

Authorizes a sales tax exemption on materials purchased by contractors for use in the construction of highways and other Department of Transportation projects, beginning July 1, 2008.

DWI MEMORIAL SIGN PROGRAM (Section 227.295);

Establishes a drunk driving victim memorial sign program in the Department of Transportation. The signs shall be placed upon the state highways at or near the scene of the accident in accordance with placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. An immediate family member or another person with written consent from the family may apply to the department to sponsor a drunk driving victim memorial sign in memory of who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of an alcohol-related traffic law at the time of the accident. The department can charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining the sign. The sign will resemble a Missouri license plate and will feature the words "Drunk Driving Victim!", the initials of the deceased victim and the month and year in which the victim of the drunk driving accident was killed and the phrase, "Who's Next?". Signs will remain in place for a period of 10 years.

TRANSPORTATION DEVELOPMENT DISTRICTS (TDD);

Makes certain process changes in establishing and governing transportation development districts. (Sections 238.202, 238.207, 238.208, 238.225, 238.230 & 238.275)

DECLARATIONS (Section 301.007);

Authorizes the Director of Revenue to administer oaths to individuals filing declarations, statements or other documents required to be signed under Chapter 301 and Chapter 306. A signed declaration shall be prima facie evidence that the individual signed the declaration.

LOCAL LOG TRUCK (Section 301.010);

Modifies the definitions of the terms "local log truck" and "local log truck tractor" by expanding the area from 50 to 100 miles radius from a forested site in which such vehicles can operate.

SELF-PROPELLED SPRAYERS (Section 301.029);

Exempts self-propelled sprayers, floaters, and other forms of implements of husbandry that are used for spraying chemicals or spreading fertilizer for agricultural purposes from complying with motor vehicle titling, registration and license plate display laws.

HISTORIC VEHICLE MILEAGE LIMITATION (Section 301.131);

Changes the punishment when the mileage limitation is exceeded on historic vehicles.

MOTOR VEHICLE REGISTRATION VIOLATIONS PUNISHMENT;

Makes certain motor vehicle registration violations punishable as infractions. The fine for the enumerated motor vehicle registration violations shall not be less than \$5 nor more than \$500. The current law provides that certain motor vehicle registration violations are punishable by imprisonment in the county jail for a term not exceeding one year or by a fine of not less than \$5 or more than \$500, or by both. (Sections 301.440, 301.150, 301.131, 301.310, and 301.420)

Violations of Missouri's ATV titling and registration laws are punishable as infractions. (Section 301.716).

STOLEN LICENSE PLATE TABS (Section 301.301);

Modifies the stolen license plate tabs procedure for obtaining free tabs from the Department of Revenue by requiring on or after January 1, 2009, that a person submit a police report with his or her application. This provision of the bill contains an emergency clause.

RELEASE OF MOTOR VEHICLE LIENS (Section 301.640);

Reduces the number of business days from 10 to 5 that a lienholder has to release a motor vehicle lien after the lien has been satisfied. The lienholder must notify the Department of Revenue within 5 business days if the certificate of ownership is in the department's possession. The fines for noncompliance with the time deadlines is increased from a maximum fine of \$500 to a graduated liquidated damages scale with a maximum amount of \$2,500 in damages that can be imposed for each lien not timely released.

RESIDENCE ADDRESS (Section 302.010):

Adds a definition for the residence address.

SCHOOL BUS DRIVERS (Sections 302.272, 302.275):

Restricts the director of revenue from issuing or renewing a school bus endorsement to any applicant whose driving record shows that the applicant has been convicted of an intoxication-related traffic offense while operating a school bus. A person convicted of an intoxication-related offense while operating a school bus will have his or her school bus endorsement permanently denied by the court, beginning on the date of the court order.

School bus drivers are required to notify the school district or their employing contractor whenever he or she receives a citation for an intoxicated-related traffic offense. Failure to notify the school district or the employing contractor of the citation prior to resuming operation of the school bus, shall constitute a valid reason to discharge such person from the school district's or employing contractor's employ.

The fine for driving with a revoked license while operating a school bus is set at \$1,000. These provisions have an effective date of January 1, 2008. (Section 302.321)

RESTRICTED LICENSE PLATES (Section 302.305):

Requires that any person whose driver's license has been suspended, revoked, or disqualified for a period of not less than 60 days or if the person is denied for alcohol or manslaughter violations under the law, immediately surrender his or her current license plates to the Department of Revenue for destruction and be issued a set of restricted license plates that are different in color from regular plates. The special plate must be displayed on the motor vehicle or motor vehicles registered solely or jointly in the person's name for the period of the suspension, revocation, denial, or disqualification.

Law enforcement officers shall have probable cause to stop any vehicle displaying restricted license plates to determine whether the driver of such vehicle has a valid driver's license or a limited driving privilege.

A registered owner of a motor vehicle who has been issued restricted license plates may not sell the motor vehicle during the period the vehicle is required to display the plates unless the registered owner applies to the department for permission to transfer title to the motor vehicle. Any vehicle acquired by the applicant during the period of restriction shall display the restricted license plates.

EXPUNGEMENT OF RECORDS OF CDL HOLDERS (Sections 302.545 & 311.326);

Prohibits the expungement of a minor in possession charge for holders of commercial driver's licenses or persons operating commercial motor vehicles at the time of the violation. (311.326)

Also, no records shall be expunged until 3 years after the date of suspension or revocation, if the person was holding a commercial driver's license at the time of the offense. (302.545)

FAILURE TO APPEAR (Sections 302.700 & 302.755);

Includes failure to appear by a commercial license holder or operator of a commercial motor vehicle as a commercial driver offense requiring indefinite suspension until compliance is met.

LANGUAGE INTERPRETERS/CDL EXAMINATIONS (Section 302.720);

Provides that the Department of Revenue shall neither supply nor permit the use of language interpreters in connection with commercial driver's license examination process.

DRIVING WHILE OUT OF SERVICE (Section 302.755);

Provides that any person convicted for the first time of driving while out of service shall be disqualified in the manner prescribed by federal regulations.

CDL MILITARY EXEMPTION (Section 302.755);

Exempts a military member while driving a vehicle for military purposes from possessing a CDL. Current law provides that the military member must be driving a military vehicle to qualify for the exemption.

MANDATORY INSURANCE DATABASE PROGRAM (Section 303.415);

Extends the sunset clause on the mandatory insurance database program from June 30, 2007, to June 30, 2012. The bill contains an emergency clause.

CONSERVATION AGENT/EMERGENCY VEHICLE (Section 304.022);

Adds vehicles driven by law enforcement agents of the Department of Conservation to the list of vehicles considered "emergency vehicles".

UTILITY VEHICLES (Section 304.032);

Defines the term "utility vehicle" as any motorized vehicle manufactured and used exclusively for off-highway purposes which is 63 inches or less in width, has an unladen dry weight of 1,900 pounds or less, travels on four or six wheels, and is used primarily for agricultural, landscaping, lawn care, or maintenance purposes. A utility vehicle shall not be operated upon the highways of this state except:

(A) Governmental owned and operated utility vehicles for official use;

(B) Utility vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset;

(C) Utility vehicles operated occasionally by handicapped persons for short distances only on the state secondary roads between the hours of sunrise and sunset;

(D) Utility vehicles which have been issued special permits by a city to be used on highways within the city limits by licensed drivers. The city may impose a \$15 fee for such permit; and

(E) Utility vehicles which have been issued special permits by a county to be used on highways within the county limits by licensed drivers. The county may impose a \$15 fee for the permit.

No person shall operate a utility vehicle in a careless way so as to endanger the person or property of another; or while under the influence of alcohol or a controlled substance. No person shall operate a utility vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording a low-water crossing. A person operating a utility vehicle on a highway shall have a valid operator's or chauffeur's license and cannot carry a passenger, except for agricultural purposes, unless the seat of the utility vehicle is designed to carry more than one person. The vehicle shall not be operated at a speed of more than 30 miles per hour on a highway. Utility vehicles are exempt from titling and registration.

FAILURE TO STOP FOR SCHOOL BUSES (Section 304.070);

Increases driver's license suspension periods for motorists who fail to stop for school buses that are loading or unloading children. The suspension period for a first violation for failing to yield for a school bus is increased from 90 days to 120 days. A second or subsequent violation of the school bus stop provision will result in a 180 day suspension.

DRIVEAWAY SADDLEMOUNT COMBINATIONS (Section 304.170);

Increases the maximum length for driveaway saddlemount combinations from 75 feet to 97 feet when operated on the interstate highways.

COMMERCIAL MOTOR VEHICLE ROADSIDE INSPECTIONS (Section 304.232);

Requires the state highway patrol establish a program to certify local law enforcement officers to enforce commercial motor vehicle laws. The certification procedures will include training, testing, on-the-job experience, data collection and other prescribed components established by the Commercial Vehicle Safety Alliance (CVSA). Reasonable fees can be charged to cover the costs of training and certification.

Beginning January 1, 2008, no law enforcement officer may make an arrest, issue a citation or conduct a commercial motor vehicle roadside inspection to determine compliance with the

applicable commercial motor vehicle laws unless the law enforcement officer has satisfactorily completed a basic training course developed by CVSA and has been certified by the Highway Patrol.

Beginning January 1, 2008, only law enforcement officers that have been certified by the Missouri State Highway Patrol under the bill, members of the Missouri State Highway Patrol, regularly employed maintenance men of the Department of Transportation, or commercial vehicle enforcement officers will can conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws (Sections 304.170 to 304.230), and only such officers will have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted by the law, to require the driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine compliance with the law. A law enforcement officer not certified may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. In the course of a stop, the law enforcement officer must identify to the driver the defect that caused the stop.

If the vehicle passes the roadside inspection, the law enforcement officer, state highway patrolman, or other authorized person can issue the operator, driver, owner, lessee, or bailee of such vehicle a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle in a manner prescribed by the superintendent. Once issued, the decal will be valid for 3 consecutive months and exempts the vehicle from further inspection during such period unless the vehicle has a visible external safety defect or the law enforcement officer at hand has probable cause to believe that the size or weight of the vehicle is in excess of that permitted by law.

AFFIRMATIVE DEFENSE FOR PROCEEDING THROUGH REDLIGHT WITH A MOTORCYCLE ("DEAD RED") (Section 304.281);

Provides that a person operating a motorcycle who enters or crosses an intersection controlled by a traffic-control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

- (A) The motorcycle has been brought to a complete stop;
- (B) The traffic signal continues to show a red light for an unreasonable time;
- (C) The traffic signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and
- (D) No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

The affirmative defense applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action.

PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE LICENSING, REGISTRATION,
AND EQUIPMENT STATUTES;

Changes the penalties for violations as follows:

- (A) Failure to secure truck load violations are punished as infractions rather than class C misdemeanors. (Section 307.010)
- (B) The punishment for a mud flap violation is changed from a Class B misdemeanor to an infraction. (Section 307.015)
- (C) The punishment for a spotlight violation is changed from a Class C misdemeanor to an infraction. (Section 307.090)
- (D) The violations of certain motor vehicle lighting regulations shall be punishable as infractions rather than misdemeanors. (Section 307.120)
- (E) The punishment for improperly lighting or marking an animal-driven vehicle is changed from a Class C misdemeanor to an infraction. (Section 307.125)
- (F) The punishment for certain motor vehicle safety glass violations is changed from a Class C misdemeanor to an infraction. (Section 307.155)
- (G) The punishment for altering the front or rear of a motor vehicle or operating a motor vehicle without proper bumpers is changed from a Class C misdemeanor to an infraction. (Section 307.172)
- (H) The punishment for a window tinting violation is changed from a Class C misdemeanor to an infraction. (Section 307.173)
- (I) The punishment for operating a motorized bicycle without a license or operating a motorized bicycle upon an interstate highway is changed from a Class C misdemeanor to an infraction. (Section 307.195)
- (J) The punishment for an ATV equipment violation is changed from a Class C misdemeanor to an infraction. (Section 307.198)
- (K) The punishment for violating certain motor vehicle inspection station regulations is changed from a misdemeanor to a Class C misdemeanor. (Section 307.365)
- (L) The punishment for school bus inspection violations is changed from a misdemeanor to a Class C misdemeanor. (Section 307.375)
- (M) The punishment for violating Missouri's motor vehicle safety inspection regulations is changed from a misdemeanor to an infraction. (Section 307.390)
- (N) The punishment for violating certain commercial motor vehicle regulations is changed from a Class B misdemeanor to an infraction. (Section 307.400)
- (O) For an infraction, all court costs, fees, surcharges, and other charges shall be assessed in the same manner and amount as for a misdemeanor. (Section 488.006)

(P) An offense is an infraction if it is designated as one, or if a violation can result only in a fine, forfeiture, or other civil penalty. A determination of whether an infraction has occurred shall be made by the filing of a civil action. The action shall be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation shall be proved by a preponderance of the evidence but shall not be tried by a jury. If an infraction violation is proven, judgment shall be entered for the plaintiff.

MOTORCYCLE HEADLAMP MODULATORS (Section 307.100);

Allows a motorcycle headlamp to be wired or equipped to allow either its upper beam or its lower beam, but not both, to modulate from a higher intensity to a lower intensity at a rate of modulation of 200 to 280 cycles per minute. A headlamp modulator installed on a motorcycle with two headlamps shall be wired in a manner to prevent the headlamps from modulating at different rates or not in synchronization with each other. A headlamp modulator installed on a motorcycle shall meet the standards prescribed by federal law.

SCHOOL BUS EXEMPTION FROM CHILD PASSENGER RESTRAINT LAW (307.179);

Provides that the child passenger restraint law shall not apply to school buses transporting children 4 years of age or older regardless whether such buses are being used for educational, religious or other purposes. The current exemption only applies to school buses used for educational purposes. This portion of the bill contains an emergency clause.

HOUSEHOLD GOOD MOVERS (Sections 387.075 & 390.030)

Allows common household goods common carriers to file applications to the State Highways and Transportation Commission for approval of rates to reflect increases and decreases in the carrier's costs. The filing of the applications will be made in such form as the commission determines and governed by similar rules to those that govern rate adjustments requested by electrical gas or water companies. (Section 387.075)

The exemption that currently allows intrastate household goods movers to operate wholly in municipalities, between contiguous municipalities, or commercial zones without having to obtain MoDOT operating authority is repealed beginning January 1, 2008. Currently, household movers are exempt from the rules and regulations of Chapter 390, RSMo, if their operations are restricted to those described areas. (Section 390.030)

MOTOR CARRIER TRANSPORTATION INDEMNITY PROVISIONS (390.372);

Makes indemnity agreements in motor carrier transportation contracts which purport to indemnify a party against loss from negligence or intentional acts void and unenforceable. Motor carrier transportation contracts shall not include Uniform Intermodal Interchange and Facilities Access Agreements.

UNIFIED CARRIER REGISTRATION (Section 390.021);

Authorizes the State Highways and Transportation Commission to take the necessary steps to implement and administer a state plan to conform with the Unified Carrier Registration Act (UCR Act) of 2005. The UCR Act includes provisions to eliminate the Single State Registration System (SSRS) by January 2007 and replace it with the Unified Carrier Registration (UCR) Agreement.

The commission may submit to the proper federal authorities, amend and carry out a state plan to qualify as a base-state and to participate in the UCR plan and administer the UCR Agreement. The commission is authorized to administer the UCR registration of Missouri domiciled motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies, and persons domiciled in non-participating states who have designated Missouri as their base-state under the UCR Act. The commission is further authorized to receive, collect, process, deposit, transfer, distribute, and refund UCR registration fees. The commission is also authorized to enter into agreements with any U.S. agencies.

Every motor carrier, motor private carrier, broker, freight forwarder, and leasing company that has its principal place of business within Missouri, and every such person who has designated this state as the person's base-state under the provisions of the UCR Act, shall timely complete and file with the commission all the forms required by the UCR agreement and the UCR implementing regulations, and pay the required UCR registration fees to the commission.

The bill specifically provides that implementing the UCR Act shall not be construed as exempting any motor carrier or any person controlled by a motor carrier, from any of the requirements of Chapter 622 or Chapter 390.

The bill also repeals the section pertaining to the issuance of interstate motor carrier permits and the section relating to the single state registration system.

MOTOR VEHICLE FRANCHISE PRACTICES (Section 407.815);

Revises the definition of "motor vehicle" as it relates to motor vehicle franchise practices to include any engine, transmission, or rear axle manufactured for installation in a commercial motor vehicle with a gross vehicle weight rating over 16,000 pounds.

COMPARATIVE NEGLIGENCE FOR MOTORCYCLES (Section 537.055);

Provides that operating a motorcycle, in and of itself, shall not be considered evidence of comparative negligence.

LAW ENFORCEMENT OFFICER SIGNALS (Section 556.021);

Requires any driver to stop on signal of any law enforcement officer and to obey any reasonable signals of such officer given in the course of enforcing any infraction. Any person who fails or refuses to obey any such signal or who resists an officer while enforcing any infraction, shall be guilty of a Class A misdemeanor.

NON-ALCOHOLIC SWAB (Section 577.029);

Removes the requirement that when blood is drawn for analysis of alcohol content, a non-alcoholic swab will be used.

ARREST WITHOUT WARRANT FOR DWI & BAC (Section 577.039);

Provides that a law enforcement officer may make an arrest without a warrant for a DWI or BAC violation without the offense having occurred in the officer's presence if the officer has probable cause and the arrest is made within 90 minutes after the violation occurred. The one and one-half restriction is removed.

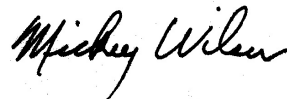
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Department of Revenue
Office of the State Treasurer
Department of Higher Education
Office of the State Auditor
Department of Economic Development
Department of Labor and Industrial Relations
Department of Conservation
Office of the State Courts Administrator
Office of Prosecution Services
State Tax Commission
Missouri Senate
Office of the State Public Defender
Department of Elementary and Secondary Education
Missouri Gaming Commission
Lottery Commission
Office of the Secretary of State
Department of Mental Health
Missouri House of Representatives

SOURCES OF INFORMATION (continued)

Department of Corrections
Department of Natural Resources
Department of Agriculture
Department of Transportation
Department of Health and Senior Services
Office of Administration
Department of Social Services
Office of the Attorney General
Department of Insurance, Financial Institutions and Professional Registration
Missouri Highway Patrol
Veterans Commission
Administrative Hearing Commission
City of Kansas City
City of Centralia
St. Louis County
Boone County Sheriff's Office



Mickey Wilson, CPA
Director
May 17, 2007