

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 45 & 39
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation May 2, 2007 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 45 & 39 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0346L.06C

AN ACT

To repeal sections 226.527, 226.530, 226.580, 301.444, 302.720, 390.030, 390.071, and 622.095, RSMo, and to enact in lieu thereof nine new sections relating to transportation.

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

Section A. Sections 226.527, 226.530, 226.580, 301.444, 302.720, 390.030, 390.071, 2 and 622.095, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as 3 sections 226.527, 226.530, 226.580, 301.444, 302.720, 387.075, 390.021, 390.030, and 390.372, 4 to read as follows:

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or 2 maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, 3 visible from the main traveled way of the interstate or primary system and erected with the 4 purpose of its message being read from such traveled way, except such outdoor advertising as 5 is defined in subdivisions (1) and (2) of section 226.520.

6 2. No compensation shall be paid for the removal of any sign erected in violation of 7 subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to 8 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section 9 if it were erected or maintained after August 13, 1976, shall be removed unless such removal is 10 required by the Secretary of Transportation and federal funds required to be contributed to this 11 state under section 131(g) of Title 23, United States Code, to pay compensation for such removal

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.

12 have been appropriated and allocated and are immediately available to this state, and in such
13 event, such sign shall be removed pursuant to section 226.570.

14 3. In the event any portion of this chapter is found in noncompliance with Title 23,
15 United States Code, section 131, by the Secretary of Transportation or his representative, and any
16 portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are
17 withheld, or declared forfeited by the Secretary of Transportation or his representative, all
18 removal of outdoor advertising by the Missouri state highways and transportation commission
19 pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full.
20 Such cessation of removal shall not be construed to affect compensation for outdoor advertising
21 removed or in the process of removal pursuant to this chapter.

22 4. In addition to any applicable regulations set forth in sections 226.500 through 226.600,
23 signs within an area subject to control by a local zoning authority and wherever located within
24 such area shall be subject to reasonable regulations of that local zoning authority relative to size,
25 lighting, spacing, and location; provided, however, that no local zoning authority shall have
26 authority to require any sign within its jurisdiction which was lawfully erected and which is
27 maintained in good repair to be removed without the payment of just compensation.

28 **5. When a legally erected billboard exists on a parcel of property, a local zoning**
29 **authority shall not adopt or enforce any ordinance, order, rule, regulation or practice that**
30 **eliminates the ability of a property owner to build or develop property or erect an on-**
31 **premise sign solely because a legally erected billboard exists on the property.**

226.530. 1. The state highways and transportation commission [is required to] **shall**
2 issue one-time permanent permits as provided in section 226.550 for the erection and
3 maintenance of outdoor advertising along [the interstate and primary highway systems and] **any**
4 **interstate highways, the federal-aid primary system as it existed on June 1, 1991, or the**
5 **national highway system as amended.**

6 **2. The commission is authorized to void any permit under any of the following**
7 **conditions and no compensation shall be paid:**

8 **(1) When there has been any misrepresentation of a material fact by the applicant**
9 **on a permit application and the sign is removed under section 226.580;**

10 **(2) When the commission determines that a change has been made to a conforming**
11 **sign by the sign owner and the sign has been removed under section 226.580; or**

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

16 **3. The commission is also authorized to void any permit when the commission**
17 **determines that such permit has been erroneously issued by department of transportation**
18 **staff in violation of any state law or administrative rule and the outdoor advertising shall**
19 **be subject to removal and compensation shall be paid under section 226.570.**

20 **4. Subject to section 226.540, the commission is authorized** to promulgate only those
21 rules and regulations of minimal necessity and consistent with customary use to secure to this
22 state any federal aid contingent upon compliance with federal laws, rules and regulations relating
23 to outdoor advertising. No rule or portion of a rule promulgated under the authority of this
24 section shall become effective unless it has been promulgated pursuant to the provisions of
25 section 536.024, RSMo.

226.580. 1. The following outdoor advertising within six hundred sixty feet of the
2 right-of-way of interstate or primary highways is deemed unlawful and shall be subject to
3 removal:

4 (1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500
5 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary
6 to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they
7 appeared in the revised statutes of Missouri 1969; or

8 (2) Signs for which a permit is not obtained or a biennial inspection fee is more than
9 twelve months past due; or

10 (3) Signs which are obsolete. Signs shall not be considered obsolete solely because they
11 temporarily do not carry an advertising message; or

12 (4) Signs that are not in good repair; or

13 (5) Signs not securely affixed to a substantial structure; or

14 (6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement
15 of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device;
16 [or]

17 (7) Signs which are erected or maintained upon trees or painted or drawn upon rocks or
18 other natural features; **or**

19 **(8) Signs for which a permit was obtained based on a misrepresentation of a**
20 **material fact.**

21 2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way
22 outside of urban areas, visible from the main traveled way of the interstate or primary system and
23 erected with the purpose of their message being read from such traveled way, except those signs
24 described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be
25 subject to removal.

26 3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 to 7
27 of this section, the state highways and transportation commission shall give notice either by
28 certified mail or by personal service to the owner or occupant of the land on which advertising
29 believed to be unlawful is located and the owner of the outdoor advertising structure. Such
30 notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action
31 which is required to correct the unlawfulness and shall advise that a failure to take the remedial
32 action within sixty days will result in the sign being removed. Within sixty days after receipt of
33 the notice as to him, the owner of the land or of the structure may remove the sign or may take
34 the remedial action specified or may file an action for administrative review pursuant to the
35 provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and
36 transportation commission, or he may proceed under the provisions of section 536.150, RSMo,
37 as if the act of the highways and transportation commission was one not subject to administrative
38 review. Notwithstanding any other provisions of sections 226.500 to 226.600, no outdoor
39 advertising structure erected prior to August 28, 1992, defined as a "structure lawfully in
40 existence" or "lawfully existing", by subdivision (1), (2) or (3) of subsection 3 of section
41 226.550, shall be removed for failure to have a permit until a notice, as provided in this section,
42 has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as
43 the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of
44 applying for a permit or paying the inspection fee within sixty days will result in the sign being
45 removed. Signs for which biennial inspection fees are delinquent shall not be removed unless
46 the fees are more than twelve months past due and actual notice of the delinquency has been
47 provided to the sign owner. Upon application made within the sixty-day period as provided in
48 this section, and accompanied by the fee prescribed by section 226.550, together with any
49 inspection fees that would have been payable if a permit had been timely issued, the state
50 highways and transportation commission shall issue a one-time permanent permit for such sign.
51 Such signs with respect to which permits are so issued are hereby determined by the state of
52 Missouri to have been lawfully erected within the meaning of "lawfully erected" as that term is
53 used in Title 23, United States Code, Section 131(g), as amended, and shall only be removed
54 upon payment of just compensation, except that the issuance of permits shall not entitle the
55 owners of such signs to compensation for their removal if it is finally determined that such signs
56 are not "lawfully erected" as that term is used in Section 131(g) of Title 23 of the United States
57 Code.

58 4. If actual notice as provided in this section is given and neither the remedial action
59 specified is taken nor an action for review is filed, or if an action for review is filed and is finally
60 adjudicated in favor of the state highways and transportation commission, the state highways and
61 transportation commission shall have authority to immediately remove the unlawful outdoor

62 advertising. The owner of the structure shall be liable for the costs of such removal. The
63 commission shall incur no liability for causing this removal, except for damage caused by
64 negligence of the commission, its agents or employees.

65 5. If notice as provided in this section is given and an action for review is filed under the
66 provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of
67 sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation
68 commission enters its final decision and order to remove the outdoor advertising structure, the
69 advertising message contained on the structure shall be removed or concealed by the owner of
70 the structure, at the owner's expense, until the action for judicial review is finally adjudicated.
71 If the owner of the structure refuses or fails to remove or conceal the advertising message, the
72 commission may remove or conceal the advertising message and the owner of the structure shall
73 be liable for the costs of such removal or concealment. The commission shall incur no liability
74 for causing the removal or concealment of the advertising message while an action for review
75 is pending, except if the owner finally prevails in its action for judicial review, the commission
76 will compensate the owner at the rate the owner is actually receiving income from the advertiser
77 pursuant to written lease from the time the message is removed until the judicial review is final.

78 6. Any signs advertising tourist-oriented type business will be the last to be removed.

79 7. Any signs prohibited by section 226.527 which were lawfully erected prior to August
80 13, 1976, shall be removed pursuant to section 226.570.

81 8. The [transportation department] **state highways and transportation commission**
82 shall reimburse to the lawful owners of any said nonconforming signs that are now in existence
83 as defined in sections 226.540, 226.550, 226.580 and 226.585, said compensation calculated
84 and/or based on a fair market value and not mere replacement cost.

301.444. 1. [Any person, as defined in subsection 3 of this section, may apply for special
2 license plates for any motor vehicle such person owns, either solely or jointly, other than an
3 apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen
4 thousand pounds gross weight. The firefighter memorial foundation of Missouri hereby
5 authorizes the use of its official emblem to be affixed on multiyear personalized license plates
6 as provided in this section.

7 2. Upon application and payment of a one-time twenty-five dollar emblem-use
8 contribution to the firefighter memorial foundation of Missouri, the foundation shall issue to the
9 vehicle owner, without further charge, an emblem-use authorization statement, which shall be
10 presented to the department of revenue at the time of registration of a motor vehicle.

11 3. As used in this section, the term "person" shall mean:

12 (1) A director of a fire protection district;

13 (2) Persons compensated, partially compensated, or volunteer members of any fire
14 department, fire protection district, or voluntary fire protection association of this state;

15 (3) A person wounded in the line of duty as a firefighter; or

16 (4) A surviving spouse, parent, brother, sister, or adult child, including an adopted child
17 or stepchild, of a person killed in the line of duty as a firefighter.

18 4. Upon presentation of the emblem-use authorization statement and payment of a fifteen
19 dollar fee in addition to the regular registration fees and presentation of other documents which
20 may be required by law, the department of revenue shall issue a personalized license plate to the
21 vehicle owner, which shall bear the emblem of the firefighter memorial foundation of Missouri
22 and the word "FIREFIGHTER" in place of the words "SHOW-ME STATE". Such license plates
23 shall be made with fully reflective material with a common color scheme and design, shall be
24 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
25 Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the
26 personalization of license plates pursuant to this section.

27 5. The director of revenue may promulgate rules and regulations for the administration
28 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
29 that is created under the authority delegated in this section shall become effective only if it
30 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
31 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of
32 the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay
33 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
34 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall
35 be invalid and void.] **Owners or a joint owner of motor vehicles who are residents of the**
36 **state of Missouri, and who are directors of a fire protection district or who are**
37 **compensated, partially compensated, or volunteer members of any fire department, fire**
38 **protection district, or voluntary fire protection association in this state, upon application**
39 **accompanied by affidavit as prescribed in this section, complying with the state motor**
40 **vehicle laws relating to registration and licensing of motor vehicles, and upon payment of**
41 **a fee as prescribed in this section, shall be issued a set of license plates for any motor**
42 **vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle**
43 **or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**
44 **The license plates shall be inscribed with a variation of the Maltese cross that signifies the**
45 **universally recognized symbol for firefighters. In addition, upon such set of license plates**
46 **shall be inscribed, in lieu of the words "Show-me State", the word "FIREFIGHTER".**
47 **Such license plates shall be made with fully reflective material, shall be clearly visible at**
48 **night, and shall be aesthetically attractive, as prescribed by section 301.130.**

49 **2. Applications for license plates issued under this section shall be made to the**
50 **director of revenue and shall be accompanied by an affidavit stating that the applicant is**
51 **a person described in subsection 1 of this section. Any person who is lawfully in possession**
52 **of such plates who resigns, is removed, or otherwise terminates or is terminated from his**
53 **association with such fire department, fire protection district, or voluntary fire protection**
54 **association shall return such special plates to the director within fifteen days.**

55 **3. An additional annual fee equal to that charged for personalized license plates in**
56 **section 301.144 shall be paid to the director of revenue for the issuance of the license plates**
57 **provided for in this section.**

302.720. 1. Except when operating under an instruction permit as described in this
2 section, no person may drive a commercial motor vehicle unless the person has been issued a
3 commercial driver's license with applicable endorsements valid for the type of vehicle being
4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit
5 shall allow the holder of a valid license to operate a commercial motor vehicle when
6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated
7 and who occupies a seat beside the individual, or reasonably near the individual in the case of
8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. A
9 commercial driver's instruction permit shall be valid for the vehicle being operated for a period
10 of not more than six months, and shall not be issued until the permit holder has met all other
11 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless
12 otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee
13 for such permit or renewal shall be five dollars. In the alternative, a commercial driver's
14 instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's
15 license to operate a commercial motor vehicle if the applicant has completed all other
16 requirements except the driving test. The permit may be renewed for one additional thirty-day
17 period and the fee for the permit and for renewal shall be five dollars.

18 2. No person may be issued a commercial driver's license until he has passed written and
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum
20 federal standards established by the Secretary and has satisfied all other requirements of the
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
24 as specified and required by regulations promulgated by the Secretary. Nothing contained in this
25 subsection shall be construed as prohibiting the director from establishing alternate testing
26 formats for those who are functionally illiterate; provided, however, that any such alternate test

27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of
28 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

29 (1) The written and driving tests shall be held at such times and in such places as the
30 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
31 applicant upon completion of any written or driving test. The director shall delegate the power
32 to conduct the examinations required under sections 302.700 to 302.780 to any member of the
33 highway patrol or any person employed by the highway patrol qualified to give driving
34 examinations. **The written test shall only be administered in the English language and**
35 **applicants must be able to read and speak the English language sufficiently to understand**
36 **highway traffic signs and signals in the English language, respond to official inquiries, and**
37 **make entries on reports and records. Applicants shall be prohibited from using an**
38 **interpreter or translator while testing.**

39 (2) The director shall adopt and promulgate rules and regulations governing the
40 certification of third-party testers by the department of revenue. Such rules and regulations shall
41 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification
42 to conduct third-party testing shall be valid for one year, and the department shall charge a fee
43 of one hundred dollars to issue or renew the certification of any third-party tester.

44 (3) Beginning August 28, 2006, the director shall only issue or renew third-party tester
45 certification to junior colleges or community colleges established under chapter 178, RSMo, or
46 to private companies who own, lease, or maintain their own fleet and administer in-house testing
47 to their employees, or to school districts and their agents that administer in-house testing to the
48 school district's or agent's employees. Any third-party tester who violates any of the rules and
49 regulations adopted and promulgated pursuant to this section shall be subject to having his
50 certification revoked by the department. The department shall provide written notice and an
51 opportunity for the third-party tester to be heard in substantially the same manner as provided
52 in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a
53 test administered by a third-party tester, the actual driving test for a commercial driver's license
54 may then be waived.

55 (4) Every applicant for renewal of a commercial driver's license shall provide such
56 certifications and information as required by the secretary and if such person transports a
57 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of
58 Public Law 107-56) as specified and required by regulations promulgated by the secretary. Such
59 person shall be required to take the written test for such endorsement. A twenty-five dollar
60 examination fee shall be paid upon completion of such tests.

61 3. A commercial driver's license may not be issued to a person while the person is
62 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any

63 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
64 may a commercial driver's license be issued unless the person first surrenders in a manner
65 prescribed by the director any commercial driver's license issued by another state, which license
66 shall be returned to the issuing state for cancellation.

67 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
68 section unless the director verifies that the applicant is lawfully present in the United States
69 before accepting the application. The director may, by rule or regulation, establish procedures
70 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
71 promulgated pursuant to the authority of this section shall become effective unless it has been
72 promulgated pursuant to chapter 536, RSMo.

387.075. 1. Notwithstanding any provision of chapter 390, RSMo, chapter 622, RSMo, or this chapter to the contrary, any common carrier that is authorized to transport household goods by a certificate issued under section 390.051, RSMo, may file one or more applications to the state highways and transportation commission for approval of rate schedules, applicable to that carrier's intrastate transportation of household goods, that authorize periodic rate adjustments outside of general rate proceedings to reflect increases and decreases in the carrier's prudently incurred costs of providing transportation of property by motor vehicle. The filing of applications by common carriers under this section shall be authorized upon the same terms and conditions as provided in section 386.266, RSMo, with reference to the filing of applications to the public service commission by an electrical, gas, or water corporation. These applications shall be made in such form, and shall contain such information, as the state highways and transportation commission reasonably may require.

2. Notwithstanding any provision of chapter 390, RSMo, chapter 622, RSMo, or this chapter to the contrary, the state highways and transportation commission shall consider and determine every application filed under subsection 1 of this section, upon the same terms and conditions as provided in section 386.266, RSMo, with reference to the public service commission's consideration and determination of applications by an electrical, gas, or water corporation under that section.

3. In proceedings under this section, common carriers and the state highways and transportation commission shall be governed by the statutes and rules of practice and procedure that are applicable in motor carrier proceedings under chapters 387, 390, and 622, RSMo, except to the extent they are inconsistent with the requirements of this section. The statutes and rules that generally govern public service commission proceedings relating to electrical, gas, and water corporations shall not apply in proceedings under this section.

390.021. 1. The provisions of this section shall be applicable, notwithstanding any provisions of section 390.030 to the contrary.

2. As used in chapter 622, RSMo, and in this section, except when the context clearly requires otherwise, the following terms shall mean:

(1) "UCR implementing regulations", includes the regulations issued by the United States Secretary of Transportation under 49 U.S.C.A. Section 13908, the rules and regulations issued by the board of directors of the Unified Carrier Registration (UCR) plan under 49 U.S.C.A. Section 14504a, and the administrative rules adopted by the state highways and transportation commission under this section;

(2) "Unified Carrier Registration Act", or "UCR Act", sections 4301 to 4308 of the Unified Carrier Registration Act of 2005, within subtitle C of title IV of the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users" or "SAFETEA-LU", Public Law 109-59 (119 Stat. 1761), as those sections have been and periodically may be amended.

3. Except when the context clearly requires otherwise, the definitions of words in 49 U.S.C. Sections 13102, 13908, and 14504a shall apply to and determine the meaning of those words as used in this section.

4. In carrying out and being subject to the provisions of the UCR Act, the Unified Carrier Registration (UCR) agreement, the UCR implementing regulations, and this section, but notwithstanding any other provisions of law to the contrary, the state highways and transportation commission may:

(1) 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, and take other necessary actions as the designated representative of the state of Missouri so that:

(a) Missouri domiciled entities who must register and pay UCR registration fees are not required to register and pay those fees in a base-state other than the state of Missouri;

(b) The state of Missouri does not forfeit UCR registration fee revenues; and

(c) The state of Missouri may maintain its eligibility to receive the maximum allowable allocations of revenues derived under the UCR agreement;

(2) Administer the UCR registration of Missouri domiciled motor carriers, motor private carriers, brokers, freight forwarders and leasing companies, and such persons domiciled in nonparticipating states who have designated this state as their base-state under the UCR Act;

(3) Receive, collect, process, deposit, transfer, distribute, and refund UCR registration fees relating to any of the persons and activities described in this section.

37 Notwithstanding any provisions of law to the contrary, these UCR registration fees
38 collected by the commission are hereby designated as "nonstate funds" within the meaning
39 of section 15, article IV, Constitution of Missouri, and the commission shall transmit these
40 funds to the state department of revenue for deposit to the credit of the state highways and
41 transportation department fund. The commission shall, from time to time, direct the
42 payment of, and the director of revenue shall pay, the fees so deposited, in accordance with
43 the provisions of the UCR Act, the UCR agreement, and the UCR implementing
44 regulations. The director of revenue shall credit all income derived from the investment
45 of these funds to the state highways and transportation department fund;

46 (4) Exercise all other powers, duties, and functions the UCR Act requires of or
47 allows a participating state or base-state;

48 (5) Promulgate administrative rules and issue specific orders relating to any of the
49 persons and activities described in this section. Any rule or portion of a rule, as that term
50 is defined in section 536.010, RSMo, that is created under the authority delegated in this
51 section shall become effective only if it complies with and is subject to all of the provisions
52 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
53 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
54 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
55 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
56 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and
57 void;

58 (6) Enter into agreements with any agencies or officers of the United States, or of
59 any state that participates or intends to enter into the UCR agreement; and

60 (7) Delegate any or all of the powers, duties, and functions of the commission under
61 this section to any agent or contractor.

62 5. After the commission has entered into the UCR plan on behalf of this state, the
63 requirements in the UCR agreement shall take precedence over any conflicting
64 requirements under chapter 622, RSMo, or this chapter.

65 6. Notwithstanding any other provisions of law to the contrary, every motor
66 carrier, motor private carrier, broker, freight forwarder, and leasing company that has its
67 principal place of business within this state, and every such person who has designated this
68 state as the person's base-state under the provisions of the UCR Act, shall timely complete
69 and file with the state highways and transportation commission all the forms required by
70 the UCR agreement and the UCR implementing regulations, and shall pay the required
71 UCR registration fees to the commission.

72 **7. All powers of the commission under section 226.008, RSMo, are hereby made**
73 **applicable to the enforcement of this section with reference to any person subject to any**
74 **provision of this section. The chief counsel shall not be required to exhaust any**
75 **administrative remedies before commencing any enforcement actions under this section.**
76 **The provisions of chapter 622, RSMo, shall apply to and govern the practice and**
77 **procedures before the courts in those actions.**

78 **8. Except as required by the UCR Act, the UCR agreement, or the UCR**
79 **implementing regulations, the provisions of this section and the rules adopted by the**
80 **commission under this section shall not be construed as exempting any motor carrier, or**
81 **any person controlled by a motor carrier, from any of the requirements of chapter 622,**
82 **RSMo, or this chapter, relating to the transportation of passengers or property in**
83 **intrastate commerce.**

390.030. 1. The provisions of this chapter shall not apply to:

- 2 (1) School buses;
- 3 (2) Taxicabs;
- 4 (3) Motor vehicles while being used exclusively to transport;
 - 5 (a) Stocker and feeder livestock from farm to farm, or from market to farm,
 - 6 (b) Farm or dairy products including livestock from a farm or dairy,
 - 7 (c) Agricultural limestone or fertilizer to farms,
 - 8 (d) Property from farm to farm,
 - 9 (e) Raw forest products from farm, or
 - 10 (f) Cotton, cottonseed, and cottonseed hulls;
- 11 (4) Motor vehicles when operated under contract with the federal government for
- 12 carrying the United States mail and when on a trip provided in the contract;
- 13 (5) Motor vehicles used solely in the distribution of newspapers from the publisher to
- 14 subscribers or distributors;
- 15 (6) The transportation of passengers or property performed by a carrier pursuant to a
- 16 contract between the carrier and the state of Missouri or any civil subdivision thereof, where the
- 17 transportation services are paid directly to the carrier by the state of Missouri or civil
- 18 subdivision;
- 19 (7) Freight-carrying motor vehicles duly registered and licensed in conformity with the
- 20 provisions of chapter 301, RSMo, for a gross weight of six thousand pounds or less;
- 21 (8) The transportation of passengers or property wholly within a municipality, or
- 22 between contiguous municipalities, or within a commercial zone as defined in section 390.020,
- 23 or within a commercial zone established by the division of motor carrier and railroad safety
- 24 pursuant to the provisions of subdivision (4) of section 390.041; provided, the exemption in this

25 subdivision shall not apply to motor carriers of persons operating to, from or between points
26 located wholly or in part in counties now or hereafter having a population of more than three
27 hundred thousand persons, where such points are not within the same municipality and to motor
28 carriers of commodities in bulk to include liquids, in tank or hopper type vehicles, and in a
29 commercial zone as defined herein or by the division;

30 (9) Street railroads and public utilities other than common carriers as defined in section
31 386.020, RSMo;

32 (10) Motor vehicles whose operations in the state of Missouri are interstate in character
33 and are limited exclusively to a municipality and its commercial zone;

34 (11) Motor vehicles, commonly known as tow trucks or wreckers, designed and
35 exclusively used in the business of towing or otherwise rendering assistance to abandoned,
36 disabled or wrecked vehicles;

37 (12) Motor vehicles while being used solely by a group of employees to commute to and
38 from their place or places of employment, except that the motor vehicle must be driven by a
39 member of the group.

40 2. Nothing contained in this section shall be deemed to exempt the vehicles of driveway
41 operators.

42 3. Except for the provisions of subdivision (5) of section 390.041, the provisions of this
43 chapter shall not apply to private carriers.

44 4. No agency of state government nor any county or municipality or their agencies shall
45 discriminate against any motor carrier or private carrier or deny any such carrier operating a
46 motor vehicle public access to any building, facility or area owned by or operated for the public
47 unless such discrimination or denial is based solely on reasonable vehicle size or weight
48 considerations. The provisions of this subsection shall only apply in cities not within a county
49 and first class counties with a charter form of government which adjoin any city not within a
50 county.

51 **5. Beginning January 1, 2008, the exemptions in subdivisions (8) and (10) of**
52 **subsection 1 of this section shall not apply to intrastate motor carriers that transport**
53 **household goods.**

390.372. 1. Notwithstanding any provision of law to the contrary, a provision,
2 **clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier**
3 **transportation contract that purports to indemnify, defend, or hold harmless, or has the**
4 **effect of indemnifying, defending, or holding harmless, the promisee from or against any**
5 **liability for loss or damage resulting from the negligence or intentional acts or omissions**
6 **of the promisee is against the public policy of this state and is void and unenforceable.**

7 **2. For the purposes of this section, the following terms shall mean:**

8 (1) **"Motor carrier transportation contract", a contract, agreement, or**
9 **understanding covering:**

10 (a) **The transportation of property for compensation or hire by the motor carrier;**

11 (b) **The entrance on property by the motor carrier for the purpose of loading,**
12 **unloading, or transporting property for compensation or hire; or**

13 (c) **A service incidental to activity described in paragraphs (a) and (b) of this**
14 **subdivision, including but not limited to, storage of property;**

15 **"Motor carrier transportation contract" shall not include the Uniform Intermodal**
16 **Interchange and Facilities Access Agreement administered by the Intermodal Association**
17 **of North America or other agreements providing for the interchange, use or possession of**
18 **intermodal chassis, or other intermodal equipment;**

19 (2) **"Promisee", the promisee and any agents, employees, servants, or independent**
20 **contractors who are directly responsible to the promisee except for motor carriers party**
21 **to a motor carrier transportation contract with a promisee, and such motor carrier's**
22 **agents, employees, servants, or independent contractors directly responsible to such motor**
23 **carrier.**

2 [390.071. 1. No person shall engage in the business of a motor carrier
3 in interstate commerce on any public highway in this state unless there is in force
4 with respect to such carrier a permit issued by the division of motor carrier and
5 railroad safety authorizing such operations.

6 2. Upon application to the division in writing, containing such
7 information as the division may by rule require, accompanied by a copy of
8 applicant's certificate of public convenience and necessity or permit issued by the
9 Interstate Commerce Commission, the filing of such liability insurance policy or
10 bond and other formal documents as the division shall by rule require, the
11 division, if it finds applicant qualified, shall, with or without hearing, issue a
12 permit authorizing the proposed interstate operations.]

2 [622.095. 1. In addition to its other powers, the state highways and
3 transportation commission may negotiate and enter into fair and equitable
4 cooperative agreements or contracts with other states, the District of Columbia,
5 territories and possessions of the United States, foreign countries, and any of their
6 officials, agents or instrumentalities, to promote cooperative action and mutual
7 assistance between the participating jurisdictions with regard to the uniform
8 administration and registration, through a single base jurisdiction for each
9 registrant, of Federal Motor Carrier Safety Administration operating authority
10 and exempt operations by motor vehicles operated in interstate commerce.
11 Notwithstanding any other provision of law to the contrary, and in accordance
12 with the provisions of such agreements or contracts between participating
jurisdictions, the commission may:

13 (1) Delegate to other participating jurisdictions the authority and
14 responsibility to collect and pay over statutory registration, administration or
15 license fees; to receive, approve and maintain the required proof of public
16 liability insurance coverage; to receive, process, maintain and transmit
17 registration information and documentation; to issue evidence of proper
18 registration in lieu of certificates, licenses, or permits which the commission may
19 issue motor vehicle licenses or identifiers in lieu of regulatory licenses under
20 section 390.136, RSMo; and to suspend or revoke any credential, approval,
21 registration, certificate, permit, license, or identifier referred to in this section, as
22 agents on behalf of the commission with regard to motor vehicle operations by
23 persons having a base jurisdiction other than this state;

24 (2) Assume the authority and responsibility on behalf of other
25 jurisdictions participating in such agreements or contracts to collect and direct the
26 department of revenue to pay over to the appropriate jurisdictions statutory
27 registration, administration or license fees, and to perform all other activities
28 described in subdivision (1) of this subsection, on its own behalf or as an agent
29 on behalf of other participating jurisdictions, with regard to motor vehicle
30 operations in interstate commerce by persons having this state as their base
31 jurisdiction;

32 (3) Establish or modify dates for the payment of fees and the issuance of
33 annual motor vehicle licenses or identifiers in conformity with such agreements
34 or contracts, notwithstanding any provisions of section 390.136, RSMo, to the
35 contrary; and

36 (4) Modify, cancel or terminate any of the agreements or contracts.

37 2. Notwithstanding the provisions of section 390.136, RSMo, statutory
38 registration, administration or license fees collected by the commission on behalf
39 of other jurisdictions under such agreements or contracts are hereby designated
40 as "nonstate funds" within the meaning of section 15, article IV, Constitution of
41 Missouri, and shall be immediately transmitted to the department of revenue of
42 the state for deposit to the credit of a special fund which is hereby created and
43 designated as the "Base State Registration Fund". The commission shall direct
44 the payment of, and the director of revenue shall pay, the fees so collected to the
45 appropriate other jurisdictions. All income derived from the investment of the
46 base state registration fund by the director of revenue shall be credited to the state
47 highways and transportation department fund.

48 3. "Base jurisdiction", as used in this section, means the jurisdiction
49 participating in such agreements or contracts where the registrant has its principal
50 place of business.

51 4. Every person who has properly registered his or her interstate
52 operating authority or exempt operations with his or her base jurisdiction and
53 maintains such registration in force in accordance with such agreements or
54 contracts is authorized to operate in interstate commerce within this state any
55 motor vehicle which is accompanied by a valid annual license or identifier issued

56 by his base jurisdiction in accordance with such agreements or contracts,
57 notwithstanding any provision of section 390.071, 390.126 or 390.136, RSMo,
58 or rules of the commission to the contrary.

59 5. Notwithstanding any provision of law to the contrary, the commission
60 may stagger and prorate the payment and collection of license fees pursuant to
61 this section for the purposes of:

62 (1) Coordinating the issuance of regulatory licenses under this section
63 with the issuance of other motor carrier credentials; and

64 (2) Complying with any federal law or regulation.]
65

Section B. If any provision of this act or the application thereof to anyone or to any
2 circumstance is held invalid, the remainder of those sections and the application of such
3 provisions to others or other circumstances shall not be affected thereby.

✓