

HB 744 -- TRANSPORTATION

SPONSOR: St. Onge

COMMITTEE ACTION: Voted "do pass - federal mandate" by the Committee on Transportation by a vote of 10 to 0.

This bill authorizes the Highways and Transportation Commission to void billboard permits without paying compensation under the following situations:

- (1) When there has been any misrepresentation of a material fact by the applicant on a permit application and the sign is removed under law;
- (2) When the commission determines that a change has been made to a conforming sign by the owner and the sign has been removed under law; or
- (3) When the commission determines that a substantial change has been made to a nonconforming sign by the sign owner so that the sign's nonconforming status was terminated and the sign was removed under the commission's administrative rules for maintenance of nonconforming signs.

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

Any person convicted of driving while out of service will be disqualified from operating a commercial motor vehicle in the manner specified by federal regulations.

The expungement of a minor in possession violation for a holder of a commercial driver's license or a person operating a commercial motor vehicle at the time of the offense is prohibited. No records can be expunged for commercial driver's license holders until three years after the date of the suspension or revocation if the person was holding a commercial driver's license at the time of the offense or who have been convicted of or pled guilty to an offense where the person's blood-alcohol content is .04 or above.

Failure to appear by a commercial license holder or operator of a commercial motor vehicle is included as a commercial driver's license offense requiring indefinite suspension until he or she is in compliance.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that areas of program deficiencies were identified during the 2004 CDL Compliance Review including failure to appear/pay for traffic violations (49 CFR 384.105), CDL exemption (49 CFR 384.204), disqualification for driving while out-of-service conviction (49 CFR 384.213), zero tolerance (49 CFR 384.225), and minor in possession violation (49 CFR 384.225). Missouri is also in violation of the Highway Beautification Act because of the deficiencies in its laws. Failure to correct this problem will result in referral of this matter to the Administrator of the federal Highway Administration with the recommendation that Missouri be penalized with a loss of federal aid for highways for failing to effectively control outdoor advertising.

Testifying for the bill were Representative Onder on behalf of Representative St. Onge; Department of Transportation; Department of Revenue; Missouri Motor Carriers Association; and Missouri Outdoor Advertising Association.

OPPOSERS: There was no opposition voiced to the committee.