

HCS SCS SB 45 & 39 -- TRANSPORTATION

SPONSOR: Mayer (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 9 to 0.

This substitute changes the laws regarding transportation.

HOUSEHOLD GOODS COMMON CARRIERS

The substitute allows a household goods common carrier to file an application with the Highways and Transportation Commission for the approval of rates to reflect increases and decreases in the carrier's costs. The filing of the application will be governed by similar rules for rate adjustments requested by electrical, gas, or water companies.

Beginning January 1, 2008, the substitute also repeals the exemption that currently allows intrastate household goods movers to operate wholly in municipalities, between contiguous municipalities, or commercial zones without having to obtain Department of Transportation operating authority. Currently, household movers are exempt from the rules and regulations of Chapter 390, RSMo, if their operations are restricted to those specified areas.

MOTOR CARRIER TRANSPORTATION INDEMNITY AGREEMENTS

The substitute makes an indemnity agreement in a motor carrier transportation contract which exempts a party for any losses from negligence or intentional acts void and unenforceable. Motor carrier transportation contracts must not include Uniform Intermodal Interchange and Facilities Access Agreements.

BILLBOARDS

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

- (1) There has been any misrepresentation of a material fact by the applicant on a permit application and the sign is removed under law;
- (2) 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) 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 as specified by law.

A local zoning authority cannot adopt or enforce any ordinance, order, rule, regulation, or practice that eliminates the ability of a property owner to build or develop property or erect an on-premise sign solely because a legally erected billboard already exists on the property.

COMMERCIAL DRIVERS

The commercial driver's license test will only be administered in English, and applicants must be able to read and speak English sufficiently to understand traffic signals, respond to inquiries, and make entries on reports. Applicants are prohibited from using an interpreter when testing.

UNIFIED CARRIER REGISTRATION

The substitute authorizes the Highways and Transportation Commission to take the necessary steps to implement and administer a state plan to conform with the federal Unified Carrier Registration (UCR) Act of 2005. The UCR Act eliminates the state's registration system and replaces it with the federal 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 registration of Missouri-based motor carriers, motor private carriers, brokers, freight forwarders and leasing companies, and persons domiciled in nonparticipating states who have designated Missouri as their base-state under the UCR Act; to receive, collect, process, deposit, transfer, distribute, and refund registration fees; and to enter into an agreement with any United States agency.

Every motor carrier, motor private carrier, broker, and freight forwarder and leasing company that has its principal place of business in Missouri and every person who has designated this state as his or her base-state must timely complete and file with the commission all the forms and registration fees required by

the UCR.

Implementing the UCR Act will not be construed as exempting any motor carrier or any person controlled by a motor carrier from any state regulation regarding motor carriers.

FISCAL NOTE: No impact on General Revenue Fund in FY 2008, FY 2009, and FY 2010. Estimated Income on Other State Funds of Unknown in FY 2008, FY 2009, and FY 2010.

PROPONENTS: Supporters say that fuel has increased tremendously over the last 18 to 24 months. Transporters of household goods cannot add their increase costs to their rates. Carriers along the state borders cannot be competitive with neighboring states which allow this to be addressed.

Testifying for the bill were Senator Mayer; and Missouri Motor Carriers Association.

OPPONENTS: There was no opposition voiced to the committee.