

HCS SCS SB 52 -- MOTOR VEHICLES

SPONSOR: Stouffer (St. Onge)

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

This substitute changes the laws regarding motor vehicles.

STATE HIGHWAY PATROL

The substitute:

- (1) Updates the provisions of law that no longer apply to the operations of the State Highway Patrol;
- (2) Removes the requirement that the Superintendent of the State Highway Patrol reside in Jefferson City;
- (3) Removes the requirement that general headquarters be open at all times and that a telegraph be available;
- (4) Removes the requirement that the Highways and Transportation Commission approve all personnel expenses and changes where civil witness fees are deposited;
- (5) Specifies that the patrol be divided into troops rather than districts;
- (6) Removes the requirement that the patrol send an end of the year fiscal report to the Governor and the commission;
- (7) Removes the requirement that the superintendent, major, director of radio, and budget personnel be bonded;
- (8) Allows the patrol to deliver an arrested individual directly to the court or the court's or judge's designee;
- (9) Authorizes the superintendent to enter into an agreement with the Missouri Gaming Commission regarding enforcement of any law or regulation and conducting background investigations related to the laws of this state and the regulation of licensed gaming activities;
- (10) Increases the amount an entity making a request for criminal history record information that is not based on a fingerprint search must pay from no more than \$5 per request to no more the \$9. Beginning January 1, 2010, the superintendent may increase the fee by no more than \$1 per year with a maximum fee of \$15 per request. An entity cannot be charged a fee of

more than \$20 for criminal history record information based on a fingerprint search, unless the request is required by the concealed carry endorsement statute or foster parent licensing statute, in which case, the fee will be \$14; and

(11) Authorizes the patrol, at the direction of the Governor, to conduct a name or fingerprint background investigation of gubernatorial appointees and conduct other investigations to determine if an applicant or appointee has paid his or her required taxes and establish the person's suitability for a position of public trust.

MOTOR FUEL TAX EXEMPTIONS

The substitute exempts fuel used in school buses from the motor fuel tax when the bus is driven to transport students for educational purposes.

An exemption from the motor fuel tax is also authorized for motor fuel sold for use by an interstate transportation authority, a city transit authority, or a city utilities board to operate a public mass transportation facility.

The Department of Revenue is required to simplify the motor fuel tax exemption process by reducing the administrative burden, reducing the time to receive a refund, and dividing the refund between the fuel wholesaler/retailer and the tax exempt entity.

SALES TAX EXEMPTION FOR HIGHWAY CONSTRUCTION MATERIALS

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

LOCAL CONTROL OF BILLBOARDS

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.

ANNUAL BID BONDS FOR HIGHWAY CONSTRUCTION AND MAINTENANCE

The substitute authorizes the Highways and Transportation Commission to accept an annual bid bond for construction and maintenance projects. The commission must specify the form and content of the annual bid bond.

DESIGN-BUILD HIGHWAY PROJECTS

The substitute specifies that bid bond and performance bond requirements and payment bond requirements will apply to a design-build highway project contract designated by the Highways and Transportation Commission as a "design-build-finance-maintain" project with terms, durations, and amounts as it determines to be adequate for its protection and provides a surety satisfactory. If the commission fails to receive a statement of qualification from at least two design-builders in response to a request for a qualification for a design-build highway project contract, the design-build procurement process will be suspended and the commission may re-advertise the project.

The commission may contract for a design-build highway project which is not designated by the commission as a "design-build-finance-maintain" project and specifies the process.

DRUNK DRIVING MEMORIAL SIGN PROGRAM

The substitute establishes the Drunk Driving Memorial Sign Program in the Department of Transportation. The department must adopt, by rules and regulations, program guidelines for the application and placement of signs, a procedure for the dedication of signs, and a procedure for the replacement or restoration of any signs that are damaged or stolen.

LOCAL LOG TRUCKS

The area in which local log trucks and local log truck tractors can operate is expanded from 50 to 100 miles from a forested site.

REGISTRATION EXEMPTION FOR CERTAIN VEHICLES

The substitute exempts any self-propelled sprayer, floater, or other form of implement of husbandry used for spraying chemicals or spreading fertilizer for agricultural purposes from the motor vehicle titling, registration, and licensing requirements.

The Department of Revenue is prohibited from contracting with any entity to mail motor vehicle registration notices, and no commercial inserts or other advertising can accompany the notice.

The even-odd model year requirement for biennial registrations is removed.

LICENSE PLATES AND TABS

The substitute changes the requirements for the replacement of stolen license plate tabs. Until January 1, 2009, an individual

can receive up to two sets of two license plate tabs per year by submitting a notarized affidavit that the license plate tab or tabs were stolen. After January 1, 2009, an individual must submit a copy of the police report to receive the replacement tabs.

License plates are allowed to be encased in a transparent cover if the plate is plainly visible and its reflective qualities are not impaired.

REISSUANCE OF LICENSE PLATES

The Director of the Department of Revenue is required to commence the reissuance of a newly designed license plate no later than January 1, 2009.

ACCESSIBLE PARKING SIGNS

All new signs erected after August 28, 2007, relating to disabled parking must contain the words "Accessible Parking" instead of "Handicap Parking."

SAFETY INSPECTIONS

A vehicle with less than 50,000 miles that is less than five years old will be exempt from the biennial motor vehicle safety inspection requirement.

EMERGENCY VEHICLE DEALERS

The substitute defines "emergency vehicles" and exempts dealers who sell only emergency vehicles from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales.

DEALER LICENSE PLATES

New motor vehicle manufacturers will not be issued or possess more than 347 additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per 10-unit qualified transactions annually. An applicant seeking the issuance of an initial license will indicate on his or her initial application the applicant's proposed annual number of sales in order for the department director to issue the appropriate number of additional plates or certificates of number. Wholesale and public auctions will be issued a certificate of dealer registration in lieu of a

dealer number plate.

In order for a dealer to obtain number plates or certificates, he or she must annually submit to the Department of Revenue by August 1 a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July 1 of the immediately preceding year to July 30 of the present year.

RECREATION VEHICLE SHOW PROMOTIONS

Out-of-state show promoters are allowed to hold recreation vehicle shows or exhibits in Missouri if:

- (1) The show or exhibit has a minimum of 10 recreation vehicle dealers licensed as motor vehicle dealers in the state; and
- (2) More than 50% of the participating recreation vehicle dealers are licensed motor vehicle dealers in the state.

A violation of this provision will result in a \$5,000 fine.

SATISFACTION OF A LIEN

The substitute requires a lienholder to release a lien within five business days after its satisfaction. Lienholders will be required to notify the Department of Revenue within five business days if the certificate of ownership is in its possession. Any lienholder who fails to timely comply must pay the person or persons satisfying the lien or encumbrance liquidated damages from \$500 to \$2,500 for each lien.

RESIDENCE ADDRESS

The substitute defines "residence address" for purposes of driver's licenses as the location or residence within this state in which the applicant physically currently resides. Proof of address may be required in the form of voter registration or other forms established by the Director of the Department of Revenue by administrative rule.

SCHOOL BUS DRIVERS

The Director of the Department of Revenue must not issue or renew a school endorsement to any applicant whose driving record shows that he or she 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's order. School bus drivers will be required to notify the superintendent of the

school district or the employing contractor whenever the driver receives a citation for an intoxicated-related traffic offense. Notice of the citation must be given prior to the driver resuming operation of school bus. Failure to notify the school district or the employing contractor of the citation will constitute a valid reason for discharging the school bus driver. The fine for driving with a revoked license while operating a school bus will be \$1,000.

The renewal fee for a school bus endorsement for any person 70 years of age or older is waived.

RESTRICTED LICENSE PLATES

The substitute requires a motorist who has had his or her driver's license suspended, revoked, or disqualified for a period of more than 60 days to surrender his or her license plates to the Department of Revenue. The department will then issue restricted license plates to be displayed on his or her vehicle.

Law enforcement officers will have probable cause to stop any vehicle displaying restricted plates to determine whether the driver has a valid driver's license or limited driving privileges. The registered owner of a motor vehicle who has been issued restricted plates will be prohibited from selling his or her vehicle without the permission of the department. Any vehicle acquired by the individual during the period of restriction must display the restricted plates.

COMMERCIAL DRIVERS

The commercial driver's license written test must only be given in English. Applicants for a commercial driver's license must be able to read and speak the English language sufficiently to understand highway traffic signs and signals, respond to official inquiries, and make entries on reports and records. Applicants will be prohibited from using an interpreter or translator while taking the test.

The Director of the Department of Revenue is authorized to waive the skills test for any qualified military applicant for a commercial driver's license who is currently licensed at the time of application. The department director must impose conditions and limitations to restrict the applicants from whom the department may accept alternative requirements for the skills test. The substitute requires the applicant to certify that, during the two-year period immediately preceding application for a commercial driver's license he or she has not had any license suspended, revoked, or canceled. The applicant will still have to complete all applicable written tests.

Any person convicted of driving while out of service will be disqualified from operating a commercial motor vehicle as 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 a commercial driver's license holder 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 has been convicted of or pled guilty to an offense where the person's blood-alcohol content is .04 or above.

Failure to appear in court or pay fines 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.

UTILITY VEHICLES

"Utility vehicle" is defined 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.

No person can operate a utility vehicle upon the highways of this state except:

- (1) Governmental owned and operated vehicles for official use;
- (2) Vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset;
- (3) Vehicles operated occasionally by handicapped persons for short distances only on the state secondary roads between the hours of sunrise and sunset;
- (4) 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 charge a \$15 fee for the permit; and
- (5) 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 charge a \$15 fee for the permit.

Individuals will be prohibited from operating a utility vehicle:

- (1) In a careless way so as to endanger the person or property of another;
- (2) While under the influence of alcohol or a controlled substance;
- (3) Without a valid operator's or chauffeur's license;
- (4) 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;
- (5) At a speed of more than 30 miles per hour on a highway when permitted; or
- (6) Carrying a passenger except for agricultural purposes or if the vehicle is designed with seating to carry more than one passenger.

Utility vehicles will be exempt from titling and registration provisions.

FAILURE TO STOP FOR A SCHOOL BUS

The substitute increases the length of a driver's license suspension for failing to stop for a school bus from 90 to 120 days for the first offense and from 120 to 180 days for a second or subsequent offense.

DRIVEAWAY SADDLEMOUNT COMBINATIONS

The maximum length for a driveaway saddlemount combination is increased from 75 feet to 97 feet when operated on an interstate highway.

IDLE REDUCTION TECHNOLOGY

The maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the addition weight of the idle reduction system. The additional weight increase cannot be greater than 400 pounds. Vehicle operators, upon request by a law enforcement officer, must provide proof that the idle reduction technology is fully functional at all times and that the increased weight is not used for any purpose other than for the use of idle reduction technology.

MOTORCYCLE HEADLAMP MODULATORS

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

SCHOOL BUS EXEMPTION FROM CHILD PASSENGER RESTRAINT LAW

The child passenger restraint law will not apply to school buses transporting children four years of age or older regardless of whether the buses are being used for educational, religious, or other purposes. Currently, only school buses used for educational purposes are exempt.

MOTOR VEHICLE INSPECTION FACILITIES

The substitute requires official motor vehicle inspection and emission stations to have liability insurance to cover any possible damage to a vehicle during an inspection.

HOUSEHOLD GOODS COMMON CARRIERS

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

UNIFIED CARRIER REGISTRATION

The Highways and Transportation Commission is authorized 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 domiciled 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 U. S. 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.

The substitute also repeals provisions regarding the issuance of interstate motor carrier permits.

MOTOR CARRIER TRANSPORTATION INDEMNITY AGREEMENTS

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

RENTAL VEHICLES

Any additional charges must be clearly disclosed on a rental agreement. When a rental rate is advertised, the maximum daily amount of additional charges must also be quoted.

CHEMICAL BLOOD-ALCOHOL TESTS

The substitutes removes the requirement that a licensed physician, registered nurse, or trained medical technician must use a nonalcoholic antiseptic for cleansing the skin prior to drawing blood for the purpose of determining the alcohol content of the blood.

MOTOR VEHICLE FRANCHISE PRACTICES

The definition of "motor vehicle" is revised 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.

The provisions of the substitute regarding the intoxication-related traffic offenses while operating a school bus become effective January 1, 2008.

The substitute contains an emergency clause for the provision regarding stolen license plate tabs and child passenger restraints on certain buses.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a cost of \$634 to an Income of Unknown in FY 2008, FY 2009, and FY 2010. Estimated Effect on Other State Funds of a cost of Greater than \$126,250 in FY 2008, an income of Less than \$21,086,156 in FY 2009, and an income of Less than \$15,681,155 in FY 2010.

PROPONENTS: Supporters say that having an annual bid bond will make the process more efficient.

Testifying for the bill were Senator Stouffer; and Department of Transportation.

OPPONENTS: There was no opposition voiced to the committee.