

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1422

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), FAITH, WELLS, MUNZLINGER,
FUNDERBURK AND YAEGER (Co-sponsors).

Pre-filed December 13, 2007 and copies ordered printed.

Read 1st time January 9, 2008.

Read 2nd time January 10, 2008 and referred to the Committee on Transportation February 4, 2008.

Reported from the Committee on Transportation February 19, 2008 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 3, 2008 with the recommendation that the bill Do Pass by Consent with no time limit for debate.

Perfected by Consent March 11, 2008.

D. ADAM CRUMBLISS, Chief Clerk

3482L.01P

AN ACT

To repeal sections 390.071 and 622.095, RSMo, and to enact in lieu thereof one new section relating to unified carrier registration.

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

Section A. Sections 390.071 and 622.095, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 390.021, to read as follows:

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

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.

8 under 49 U.S.C.A. Section 14504a, and the administrative rules adopted by the state
9 highways and transportation commission under this section;

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

15 3. Except when the context clearly requires otherwise, the definitions of words in
16 49 U.S.C. Sections 13102, 13908, and 14504a shall apply to and determine the meaning of
17 those words as used in this section.

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

22 (1) Submit to the proper federal authorities, amend and carry out a state plan to
23 qualify as a base-state and to participate in the UCR plan and administer the UCR
24 agreement, and take other necessary actions as the designated representative of the state
25 of Missouri so that:

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

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

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

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

35 (3) Receive, collect, process, deposit, transfer, distribute, and refund UCR
36 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

regulations. The director of revenue shall credit all income derived from the investment of these funds to the state highways and transportation department fund;

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

(5) Promulgate administrative rules and issue specific orders relating to any of the persons and activities described in this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void;

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

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

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

6. Notwithstanding any other provisions of law to the contrary, every motor carrier, motor private carrier, broker, freight forwarder, and leasing company that has its principal place of business within this state, 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 state highways and transportation commission all the forms required by the UCR agreement and the UCR implementing regulations, and shall pay the required UCR registration fees to the commission.

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

8. Except as required by the UCR Act, the UCR agreement, or the UCR 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.**

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
13 jurisdictions, the commission may:

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

25 (2) Assume the authority and responsibility on behalf of other
26 jurisdictions participating in such agreements or contracts to collect and direct the
27 department of revenue to pay over to the appropriate jurisdictions statutory
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.]

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