

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 841
94TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 841 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3510L.03C

AN ACT

To repeal sections 304.180 and 304.190, RSMo, and to enact in lieu thereof three new sections relating to vehicle weight regulations.

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

Section A. Sections 304.180 and 304.190, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 135.670, 304.180, and 304.190, to read as
3 follows:

135.670. 1. As used in this section, the following terms mean:

- 2 (1) "Class 8 truck", a heavy duty vehicle, as defined in 42 U.S.C. Section 16104, as
3 amended, that has a gross vehicle weight in excess of thirty three thousand pounds;
4 (2) "Department", the department of revenue;
5 (3) "Idle reduction technology", shall have the same meaning ascribed in 42 U.S.C.
6 Section 16104, as amended;
7 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by
8 such taxpayer pursuant to the provisions of chapters 143, 147, and 153, RSMo, excluding
9 sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual
10 taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143,
11 RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;
12 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder
13 in an S corporation doing business in the state of Missouri and subject to the state income

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.

14 tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual
15 corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an express
16 company which pays an annual tax on its gross receipts in this state pursuant to chapter
17 153, RSMo, or an individual subject to the state income tax imposed by the provisions of
18 chapter 143, RSMo.

19 2. For all tax years beginning on or after January 1, 2009, a taxpayer shall be
20 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
21 to fifty percent of the amount such taxpayer paid to purchase and install idle reduction
22 technology on a class 8 truck after January 1, 2009. In no case shall the tax credit exceed
23 thirty five hundred dollars per truck.

24 3. The amount of the tax credit claimed shall not exceed the amount of the
25 taxpayer's state tax liability for the taxable year for which the credit is claimed. However,
26 any tax credit that cannot be claimed in the taxable year the purchase and installation was
27 made may be carried over to the next three succeeding taxable years until the full credit
28 has been claimed. The tax credit allowed under this section shall be nontransferable.

29 4. The cumulative amount of tax credits which may be issued under this section in
30 any one fiscal year shall not exceed ten million dollars, and the total amount of tax credits
31 which may be issued under this section shall not exceed twenty million dollars. If the
32 amount of tax credits claimed under this section exceeds ten million dollars in any one
33 fiscal year, the director of the department of revenue shall establish a procedure by which,
34 from the beginning of the fiscal year until some point in time later in the fiscal year to be
35 determined by the director, the cumulative amount of tax credits are equally apportioned
36 among all taxpayers allowed a tax credit under this section. The director may establish
37 more than one period of time and reapportion more than once during each fiscal year. To
38 the maximum extent possible, the director shall establish the procedure described in this
39 subsection in such a manner as to ensure that taxpayers can claim all the tax credits
40 possible up to the cumulative amount of tax credits available for the fiscal year.

41 5. Not less than one hundred and twenty days from the effective date of this act, the
42 department shall promulgate rules necessary for the implementation of the provisions of
43 this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
44 that is created under the authority delegated in this section shall become effective only if
45 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
46 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
47 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
48 to review, to delay the effective date, or to disapprove and annul a rule are subsequently

49 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
 50 **adopted after August 28, 2008, shall be invalid and void.**

51 **6. The provisions of this section shall automatically sunset two years after August**
 52 **28, 2008, unless reauthorized.**

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any
 2 highway in this state having a greater weight than twenty thousand pounds on one axle, no
 3 combination of vehicles operated by transporters of general freight over regular routes as defined
 4 in section 390.020, RSMo, shall be moved or operated on any highway of this state having a
 5 greater weight than the vehicle manufacturer's rating on a steering axle with the maximum
 6 weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved
 7 or operated on any state highway of this state having a greater weight than thirty-four thousand
 8 pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles,
 9 arranged one behind another, the distance between the extremes of which is more than forty
 10 inches and not more than ninety-six inches apart.

11 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose
 12 centers are included between two parallel transverse vertical planes forty inches apart, extending
 13 across the full width of the vehicle.

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any
 15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two
 16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the
 17 maximum load in pounds as set forth in the following table:

18	Distance in feet					
19	between the extremes					
20	of any group of two or					
21	more consecutive axles,					
22	measured to the nearest					
23	foot, except where					
24	indicated otherwise					
	Maximum load in pounds					
25	feet	2 axles	3 axles	4 axles	5 axles	6 axles
26	4	34,000				
27	5	34,000				
28	6	34,000				
29	7	34,000				
30	8	34,000	34,000			

31	More than 8	38,000	42,000			
32	9	39,000	42,500			
33	10	40,000	43,500			
34	11	40,000	44,000			
35	12	40,000	45,000	50,000		
36	13	40,000	45,500	50,500		
37	14	40,000	46,500	51,500		
38	15	40,000	47,000	52,000		
39	16	40,000	48,000	52,500	58,000	
40	17	40,000	48,500	53,500	58,500	
41	18	40,000	49,500	54,000	59,000	
42	19	40,000	50,000	54,500	60,000	
43	20	40,000	51,000	55,500	60,500	66,000
44	21	40,000	51,500	56,000	61,000	66,500
45	22	40,000	52,500	56,500	61,500	67,000
46	23	40,000	53,000	57,500	62,500	68,000
47	24	40,000	54,000	58,000	63,000	68,500
48	25	40,000	54,500	58,500	63,500	69,000
49	26	40,000	55,500	59,500	64,000	69,500
50	27	40,000	56,000	60,000	65,000	70,000
51	28	40,000	57,000	60,500	65,500	71,000
52	29	40,000	57,500	61,500	66,000	71,500
53	30	40,000	58,500	62,000	66,500	72,000
54	31	40,000	59,000	62,500	67,500	72,500
55	32	40,000	60,000	63,500	68,000	73,000
56	33	40,000	60,000	64,000	68,500	74,000
57	34	40,000	60,000	64,500	69,000	74,500
58	35	40,000	60,000	65,500	70,000	75,000
59	36		60,000	66,000	70,500	75,500

60	37	60,000	66,500	71,000	76,000
61	38	60,000	67,500	72,000	77,000
62	39	60,000	68,000	72,500	77,500
63	40	60,000	68,500	73,000	78,000
64	41	60,000	69,500	73,500	78,500
65	42	60,000	70,000	74,000	79,000
66	43	60,000	70,500	75,000	80,000
67	44	60,000	71,500	75,500	80,000
68	45	60,000	72,000	76,000	80,000
69	46	60,000	72,500	76,500	80,000
70	47	60,000	73,500	77,500	80,000
71	48	60,000	74,000	78,000	80,000
72	49	60,000	74,500	78,500	80,000
73	50	60,000	75,500	79,000	80,000
74	51	60,000	76,000	80,000	80,000
75	52	60,000	76,500	80,000	80,000
76	53	60,000	77,500	80,000	80,000
77	54	60,000	78,000	80,000	80,000
78	55	60,000	78,500	80,000	80,000
79	56	60,000	79,500	80,000	80,000
80	57	60,000	80,000	80,000	80,000

81

82 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load
83 of thirty-four thousand pounds each if the overall distance between the first and last axles of such
84 consecutive sets of tandem axles is thirty-six feet or more.

85 4. Whenever the state highways and transportation commission finds that any state
86 highway bridge in the state is in such a condition that use of such bridge by vehicles of the
87 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
88 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
89 such bridge. The governing body of any city or county may grant authority by act or ordinance
90 to the state highways and transportation commission to enact the limitations established in this

91 section on those roadways within the purview of such city or county. Notice of the weight limits
92 and speed limits established by the commission shall be given by posting signs at a conspicuous
93 place at each end of any such bridge.

94 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle
95 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23
96 of the United States Code.

97 6. Notwithstanding the weight limitations contained in this section, any vehicle or
98 combination of vehicles operating on highways other than the interstate highway system may
99 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
100 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

101 7. Notwithstanding any provision of this section to the contrary, the department of
102 transportation shall issue a single-use special permit, or upon request of the owner of the truck
103 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or
104 well-drillers' equipment. The department of transportation shall set fees for the issuance of
105 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo,
106 concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and
107 highways at any time on any day.

108 **8. Notwithstanding the provision of this section to the contrary, the maximum gross**
109 **vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with**
110 **an idle reduction technology may be increased by a quantity necessary to compensate for**
111 **the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127,**
112 **as amended. In no case shall the additional weight increase allowed by this subsection be**
113 **greater than four hundred pounds. Upon request by an appropriate law enforcement**
114 **officer, the vehicle operator shall provide proof that the idle reduction technology is fully**
115 **functional at all times and that the gross weight increase is not used for any purpose other**
116 **than for the use of idle reduction technology.**

304.190. 1. No motor vehicle, unladen or with load, operating exclusively within the
2 corporate limits of cities containing seventy-five thousand inhabitants or more or within two
3 miles of the corporate limits of the city or within the commercial zone of the city shall exceed
4 fifteen feet in height.

5 2. No motor vehicle operating exclusively within any said area shall have a greater
6 weight than twenty-two thousand four hundred pounds on one axle.

7 3. The "commercial zone" of the city is defined to mean that area within the city together
8 with the territory extending one mile beyond the corporate limits of the city and one mile
9 additional for each fifty thousand population or portion thereof provided, however, the
10 commercial zone surrounding a city not within a county shall extend twenty-five miles beyond

11 the corporate limits of any such city not located within a county and shall also extend throughout
12 any county with a charter form of government which adjoins that city and throughout any county
13 with a charter form of government and with more than two hundred fifty thousand but fewer than
14 three hundred fifty thousand inhabitants that is adjacent to such county adjoining such city;
15 further, provided, however, the commercial zone of a city with a population of at least four
16 hundred thousand inhabitants but not more than four hundred fifty thousand inhabitants shall
17 extend twelve miles beyond the corporate limits of any such city; except that this zone shall
18 extend from the southern border of such city's limits, beginning with the western-most freeway,
19 following said freeway south to the first intersection with a multilane undivided highway, where
20 the zone shall extend south along said freeway to include a city of the fourth classification with
21 more than eight thousand nine hundred but less than nine thousand inhabitants, and shall extend
22 north from the intersection of said freeway and multilane undivided highway along the multilane
23 undivided highway to the city limits of a city with a population of at least four hundred thousand
24 inhabitants but not more than four hundred fifty thousand inhabitants, and shall extend east from
25 the city limits of a special charter city with more than two hundred seventy-five but fewer than
26 three hundred seventy-five inhabitants along state route 210 and northwest from the intersection
27 of state route 210 and state route 10 to include the boundaries of any city of the third
28 classification with more than ten thousand eight hundred but fewer than ten thousand nine
29 hundred inhabitants and located in more than one county; further provided, however, the
30 commercial zone of a city of the third classification with more than nine thousand six hundred
31 fifty but fewer than nine thousand eight hundred inhabitants shall extend south from the city
32 limits along U.S. Highway 61 to the intersection of state route OO in a county of the third
33 classification without a township form of government and with more than seventeen thousand
34 eight hundred but fewer than seventeen thousand nine hundred inhabitants. In no case shall the
35 commercial zone of a city be reduced due to a loss of population. The provisions of this section
36 shall not apply to motor vehicles operating on the interstate highways in the area beyond two
37 miles of a corporate limit of the city unless the United States Department of Transportation
38 increases the allowable weight limits on the interstate highway system within commercial zones.
39 In such case, the mileage limits established in this section shall be automatically increased only
40 in the commercial zones to conform with those authorized by the United States Department of
41 Transportation.

42 4. Nothing in this section shall prevent a city, county, or municipality, by ordinance,
43 from designating the routes over which such vehicles may be operated.

44 5. No motor vehicle engaged in interstate commerce, whether unladen or with load, **and**
45 **whether originating in this state or another state**, whose operations in the state of Missouri
46 are limited exclusively to the commercial zone of a first class home rule municipality located in

47 a county with a population between eighty thousand and ninety-five thousand inhabitants which
48 has a portion of its corporate limits contiguous with a portion of the boundary between the states
49 of Missouri and Kansas, shall have a greater weight than twenty-two thousand four hundred
50 pounds on one axle, nor shall exceed fifteen feet in height.

✓