

SECOND REGULAR SESSION

HOUSE BILL NO. 2427

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor), FLOOK, WILDBERGER,
DOUGHERTY AND DARROUGH (Co-sponsors).

Read 1st time March 12, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5459L.01I

AN ACT

To amend chapter 389, RSMo, by adding thereto one new section relating to the regulation of contract carriers that transport railroad employees, with penalty provisions.

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

Section A. Chapter 389, RSMo, is amended by adding thereto one new section, to be
2 known as section 389.948, to read as follows:

389.948. 1. The provisions of this section shall only apply to contract carriers that
2 **transport railroad employees under the terms of a contractual agreement with a railroad**
3 **corporation on a road or highway of this state in a vehicle designed to carry eight or fewer**
4 **passengers, including the driver, and that does not otherwise meet the definition of a**
5 **commercial motor vehicle as defined in 49 CFR Part 390.5 of the Federal Motor Carrier**
6 **Safety Regulations. As used in this section, the term "contract carrier" has the meaning**
7 **set forth in section 390.020, RSMo.**

8 **2. A contract carrier that transports railroad employees shall:**

9 **(1) Require each driver who transports railroad employees to have a valid**
10 **chauffeur's license (class E license) issued under the provisions of chapter 302, RSMo, and**
11 **applicable regulations;**

12 **(2) Provide drug and alcohol screening under 49 CFR 40 et seq. for each driver who**
13 **transports railroad employees;**

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 (3) Conduct a background investigation of each person who transports railroad
15 employees;

16 (4) Require an application for employment from each prospective driver;

17 (5) Conduct an annual review of the driving record of each driver who transports
18 railroad employees; and

19 (6) Maintain a personnel file that includes a driving record for each driver who
20 transports railroad employees.

21 3. A contract carrier that transports railroad employees shall limit the hours of
22 service by a driver who transports railroad employees to sixteen hours of on duty time
23 within any twenty-four hour period.

24 4. A contract carrier that transports railroad employees shall require a driver who
25 has twelve hours of vehicle operation within any twenty-four hour period or sixteen hours
26 of on duty time within any twenty-four hour period to have at least eight consecutive hours
27 off duty before operating a vehicle again.

28 5. Any vehicle used by a contract carrier to transport railroad employees shall be
29 maintained in the safe and proper operating condition recommended for that particular
30 vehicle. A contract carrier shall maintain a record of maintenance and repair for each
31 vehicle used to transport railroad employees. The contract carrier shall retain such
32 maintenance and repair records for a period of twelve months.

33 6. A contract carrier who transports railroad employees shall keep time records for
34 six months indicating the time all for-hire motor carrier drivers report for duty, the time
35 of relief from duty, hours driven, hours on duty, and hours off duty. All records required
36 to be maintained under this section shall be made available for inspection to the director
37 of the department of transportation or the director's designee.

38 7. All motor vehicles used by a contract carrier to transport railroad employees
39 within this state shall meet all state and federal regulations pertaining to safe construction
40 and maintenance. Such motor vehicles shall be operated in compliance with all state and
41 federal regulations pertaining to driving and the transporting of passengers.

42 8. The driver of a vehicle used to transport railroad employees shall inspect the
43 vehicle at the beginning and end of each day the vehicle is used to transport railroad
44 employees. Each inspection shall include the completion of an inspection checklist in a
45 manner and format prescribed by the commission. The inspection checklist shall be
46 retained by the contract carrier in the maintenance record required under subsection 5 of
47 this section for ninety days after the date of the inspection.

48 9. Each contract carrier shall maintain liability insurance in an amount not less
49 than one and one half million dollars for each vehicle used to transport railroad employees.

50 **10. Any contract carrier, driver of a vehicle that transports railroad employees, or**
51 **any other person who violates the provisions of this section or any regulations promulgated**
52 **thereto, shall be guilty of a class B misdemeanor.**

53 **11. The commission may, in enforcing the provisions of this section and regulations**
54 **promulgated thereto, inspect any motor vehicle to which the provision of this section**
55 **applies. Upon request, the superintendent of the Missouri state highway patrol shall assist**
56 **the commission in these inspections.**

57 **12. The provisions established in this section shall be considered minimum**
58 **standards and shall not be construed to supercede or abrogate any law, rule, or regulation**
59 **which imposes stricter standards or regulations upon the operation of contract carriers**
60 **that transport railroad employees.**

61 **13. The Missouri highways and transportation commission shall promulgate rules**
62 **and regulations to implement and administer the provisions of this section. Any rule or**
63 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**
64 **the authority delegated in this section shall become effective only if it complies with and**
65 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
66 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
67 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
68 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
69 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
70 **2008, shall be invalid and void.**

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