

HCS HB 1482 & 1299 -- TRANSPORTATION

SPONSOR: 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 transportation.

UTILITY VEHICLES (Sections 301.010 and 304.032, RSMo)

"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 1,850 pounds or less, travels on four or six wheels, and is used primarily for landscaping, lawn care, or maintenance purposes.

The substitute establishes the restrictions and guidelines for the operation of these vehicles in this state.

Any violation of the provisions regarding the operation of a utility vehicle will be a class C misdemeanor. In addition to other legal remedies, the Attorney General or county prosecuting attorney may institute a civil action for injunctive relief and the assessment of a penalty not to exceed \$1,000 per day.

SPECIAL LICENSE PLATES (Sections 21.795, 301.2999, 301.3141, 301.3151, and 301.3154)

The substitute repeals the provisions authorizing the creation of new special license plates and requires organizations seeking authorization for a new special license plate to first obtain approval of the General Assembly during its regular legislative session. Upon obtaining approval from the General Assembly, the organization must submit to the Department of Revenue:

- (1) An application describing the proposed special license plate in general terms and the proposed art design for the plate;
- (2) A list of at least 500 applicants who plan to purchase the special plate and the specialty plate fee; and
- (3) An application fee, not to exceed \$5,000, to defray the cost of issuing the plate.

PUBLIC-PRIVATE PARTNERSHIP (Sections 144.054, 227.600, 227.615, and 227.646)

Projects under a public-private partnership may include any bridge, road, highway, access road, ferry, river port, airport,

railroad, light rail or other mass transit facility, and any similar or related improvement or infrastructure to be financed, developed, and/or operated under agreement between the Highways and Transportation Commission and a private partner.

The commission may approve projects it determines are needed which will improve the total transportation infrastructure needs of the state. These highway, road, mass transit, and bridge projects must have a total value in excess of \$25 million, but the commission will be prohibited from approving any project, maintenance, or improvement involving any existing interstate highway or any highway project in excess of 25 miles.

A sales and use tax exemption will be authorized on all sales and purchases of tangible personal property, utilities, and services used by contractors for completing a public-private partnership project. Any revenues received under a private-partnership will be exempt from Missouri income tax.

TAXATION OF AIRCRAFT (Section 155.010)

The definition of "commercial aircraft" as it relates to the taxation of aircraft is revised by lowering the maximum certified gross take-off weight from 7,000 to 3,000 pounds.

ELECTRONIC BIDDING (Section 227.102)

The Highways and Transportation Commission will be authorized to receive bids and bid bonds electronically via the Internet for any contract for construction, maintenance, repair, or improvement of any bridge or highway in the state highway system. At its discretion, the commission may elect to receive both electronic and paper bids, or the commission may specify electronic bidding exclusively for any proposed contract. A minimum criteria for the electronic bidding program is established.

ANNUAL BID BOND (Section 227.103)

The Highways and Transportation Commission will be authorized to accept an annual bid bond for its construction and maintenance projects.

TRANSPORTATION DEVELOPMENT DISTRICTS (Sections 238.207 and 238.210)

When residents of two or more counties want to establish a joint transportation development district for a project that lies in whole or in part within two or more counties, the substitute allows a petition to be filed in a circuit court of any of the

counties in which the project will be located. The petition must be signed by at least 50 registered voters from each of the counties and must state the name, voting residence, and county of residence of each individual petitioner.

LEFT TURN ON A RED LIGHT ON ONE-WAY STREETS (Sections 300.155 and 304.281)

The substitute allows a left turn on a red light from a one-way street into another one-way street upon yielding to pedestrians and any other traffic. State or local authorities may prohibit this left turn for safety reasons if they erect a sign indicating the prohibition.

ACCESSIBLE PARKING SPACES (Section 301.143)

New parking lots or parking lots being restriped after August 28, 2008, are required to have one in every four accessible spaces designated for lift van accessible only parking with an access aisle of at least 96 inches wide.

All new signs erected after August 28, 2008, relating to disabled parking must contain the words "Accessible Parking" instead of "Handicap Parking."

DRIVER'S LICENSES AND TEMPORARY PERMITS (Sections 302.060, 302.063, and 302.171)

The Department of Revenue is prohibited from issuing a driver's license or a temporary instruction permit to any person 15 to 18 years of age if a public school district submits information to the department that the student is not in compliance with the eligibility standards. Every public school district must provide the department with a list of the students who are not in compliance at least once a semester.

The Department of Elementary and Secondary Education's standards must ensure that a student continues to make educational progress. If an applicant does not achieve the department's standards, his or her driver's license test will be postponed until he or she demonstrates that the standards have been achieved.

Any person who is emancipated and does not meet the qualifications may request his or her district's school board to grant a waiver from the requirements. A school board will grant a waiver if it determines that having a license to operate a motor vehicle is in the best interest of the individual. Any person who drops out of school and earns a general educational development (GED) certificate will be granted, upon request, a

waiver from these requirements.

The Department of Elementary and Secondary Education, in cooperation with the Department of Revenue, must establish a model or models for compliance.

Any person who knowingly submits false information to the Department of Revenue regarding these provisions will be guilty of a class C misdemeanor.

SCHOOL BUS ENDORSEMENTS (Sections 302.177, 302.720, and 302.735)

The renewal and examination fee for a school bus endorsement is waived for an individual who is 70 years of age or older.

COMMERCIAL DRIVER'S LICENSE TEST (Section 302.720)

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 converse with the general public, understand highway traffic signs and signals, respond to official inquiries, and make entries on reports and records. No interpreters will be allowed.

THIRD-PARTY TESTERS (Section 302.720)

Beginning August 28, 2008, the substitute requires the Department of Revenue to certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees, as a condition of employment, to hold a valid commercial driver's license.

CROSSING SOLID YELLOW CENTER STRIPE (Section 304.016)

Driving a vehicle to the left of a solid yellow center stripe will be prohibited except when executing a lawful turn or overtaking a slow-moving vehicle traveling at a speed of less than 25 miles per hour or when avoiding debris in the roadway if it does not create a hazard.

AUTO TRANSPORTS (Section 304.170)

Single truck auto transporters will have a maximum length of 53 feet, exclusive of a front and rear overhang. The front overhang may extend three feet, and the rear may extend four feet.

COMMERCIAL VEHICLE ENFORCEMENT OFFICERS (Section 304.230)

The substitute requires commercial vehicle enforcement officers to meet the mandatory standards for basic training and licensure

of peace officers. Officers who are employed and performing their duties on August 28, 2008, will have until July 1, 2015, to comply with the mandatory standards.

TRAVEL SAFE ZONES (Section 304.590)

The fines imposed for a moving or speeding violation when committed in a designated travel safe zone are doubled. A "travel safe zone" is defined as any area upon or around any highway, visibly marked by the Department of Transportation, where a highway safety analysis shows the number of fatal or disabling vehicle crashes exceeds a predicted safety performance level for comparable roadways as determined by the department.

ANIMAL-DRIVEN VEHICLES (Sections 307.125 and 307.127)

Any animal-driven vehicle placed or driven upon or along any state or supplementary highway, whether in motion or at rest, after sunset to one-half hour before sunrise must have reflection tape that meets United States Department of Transportation standards attached at the rear and at the front two corners. The tape must be placed across the entire length of the rear of the vehicle and be visible from at least 500 feet when illuminated by the lower beams of a vehicle's headlight and placed horizontally on the two front corners of the vehicle with the tape on each corner measuring at least 10 inches in length. The Department of Public Safety must establish the specifications for the reflective tape.

MOTOR VEHICLE PROTECTION PRODUCT ACT (Sections 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, and 385.436)

The Missouri Vehicle Protection Product Act is established regarding any person selling or offering a vehicle protection warranty agreement. A person will be prohibited from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, or any administrator complies with the provisions of the substitute. A vehicle protection product warrantor, a seller of a vehicle protection product, or a warranty administrator that complies with the provisions of the substitute will not be subject to any other state insurance code. Vehicle warrantor requirements, vehicle protection product warranty contents, vehicle warranty cancellation provisions, and rule-making authority are specified. The substitute will apply to all warranted products sold or offered for sale on or after January 1, 2009. The failure of any person to comply with the provisions of the substitute before its effective date will not be admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may

not be used to prove that the action of any person or the vehicle protection product was unlawful or otherwise improper.

UNIFIED CARRIER REGISTRATIONS (Sections 390.071 and 622.095)

The Highways and Transportation Commission is authorized to take the necessary steps to implement and administer a state plan to conform with the Unified Carrier Registration Act of 2005. The federal Unified Carrier Registration Act includes provisions to eliminate the Single State Registration System by January 2007 and replace it with the Unified Carrier Registration Agreement. The substitute also repeals provisions regarding the issuance of interstate motor carrier permits and the Single State Registration System.

MOTOR CARRIER TRANSPORTATION INDEMNITY AGREEMENTS (Section 390.372)

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.

FUEL SURCHARGE PASS-THROUGH (Section 390.375)

A transportation property broker or freight forwarder is required to pass through to the person responsible for paying for fuel any fuel surcharge provided for in transportation contracts and agreements and collected by the broker or freight forwarder at the same time payment for truckload transportation or service is made to the person responsible for paying for the fuel.

Any civil action for damages brought by a person responsible for paying for fuel must be brought within 18 months after the claim arises.

ASSAULT OF A HIGHWAY WORKER (Section 565.081)

The substitute creates the crime of assault of a highway worker if a person attempts to kill or knowingly causes or attempts to cause serious physical injury to a highway worker in a work or construction zone.

The provisions regarding the Missouri Vehicle Protection Product Act become effective January 1, 2009, and the provisions regarding school bus endorsements and driver's license and temporary permits become effective January 1, 2011.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown

greater than \$58,641 in FY 2009, Unknown greater than \$105,234 in FY 2010, and Unknown greater than \$108,357 in FY 2011. Estimated Cost on Other State Funds of Unknown greater than \$133,097 in FY 2009, Unknown greater than \$150,578 in FY 2010, and Unknown greater than \$156,215 in FY 2011.

PROPONENTS: Supporters say that the bills define a utility vehicle and specify how these vehicles can be operated in certain circumstances.

Testifying for HB 1482 were Representative Wells; State Highway Patrol; and Department of Revenue.

Testifying for HB 1299 were Representative Kuessner; and State Highway Patrol.

OPPONENTS: There was no opposition voiced to the committee.