

HCS SS SCS SB 761 & 774 -- TRANSPORTATION

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 transportation.

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

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.

AIRCRAFT RELATED SALES TAX EXEMPTION (Section 144.030)

Currently, materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance or manufacture of aircraft engaged as common carriers of people or property are exempt from state and local sales tax. The substitute expands the exemption to include materials, replacement parts, and equipment purchased for use directly upon and for the modification, repair, replacement, and maintenance of aircraft, aircraft power plants, and aircraft accessories from January 1, 2009, to January 1, 2015.

AVIATION TRUST FUND (Sections 144.805 and 305.230)

The substitute removes the \$6 million cap on the Aviation Trust Fund and specifies that if \$6 million is deposited into the fund in the previous calendar year, \$2 million may be used annually to study or promote expanded or intrastate scheduled commercial service or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service. There must have been at least \$6 million deposited in the fund in the previous calendar year.

before moneys in the Aviation Trust Fund can be utilized for these purposes. Revenue in the fund may be used to assist communities to match federal air traffic control tower cost-share program grants. Up to \$500,000 per year may be used on a ratio of 50% state/50% local to meet the non-federal match requirement. No more than \$100,000 per year may be used for any individual air traffic control tower.

#### 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 the 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. The minimum criteria for the electronic bidding program is established.

#### ANNUAL BID BOND (Section 227.103)

The Highways and Transportation Commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission will prescribe the form and content of an annual bid bond.

#### HIGHWAY DESIGNATIONS (Sections 227.396 and 227.400)

The substitute designates the portion of State Route WW located in Boone County, beginning at the intersection of U. S. Highway 63 and proceeding east to the intersection of South Olivet Road as "Carl Edwards Drive" and the portion of Interstate 44 from mile marker 280 to mile marker 282 in St. Louis County as "Police Officer Robert Stanze Memorial Highway."

#### TRANSPORTATION DEVELOPMENT DISTRICTS (Section 238.202)

The substitute revises the definition "project" as used in the Missouri Transportation Development District Act, effective January 1, 2009, to include utilities, including but not limited to, drainage, electrical lines and service, water mains and lines, and storm and sanitary sewer systems and related facilities. However, "project" will not include retaining walls,

berms, landscaping, parking lots, parking lot lights, awnings, canopies, marquees, building facades, storefront improvements, or other types of internal development improvements which benefit a private commercial developer or group of developers rather than promoting the general transportation infrastructure improvements related to the interest of the public at large.

#### DOSIMETERS FOR RAILROAD EMPLOYEES (Section 260.388)

Railroad employees who are required to operate, work on, or ride trains in Missouri transporting shipments of high-level radioactive, transuranic radioactive waste, or spent nuclear fuel will be given an operative dosimeter capable of recording the amount of radiation he or she may have been exposed to.

#### COMMERCIAL INSERTS PROHIBITION (Section 301.040)

Commercial inserts or other forms of advertising are prohibited from accompanying motor vehicle registration renewal notices.

#### EXEMPTION FROM LICENSE PLATE REISSUANCE REQUIREMENT (Section 301.130)

The substitute exempts permanent nonexpiring license plates issued to commercial motor vehicles and trailers from the new design license plate requirement.

#### IGNITION INTERLOCK (Sections 302.010, 302.060, 302.304, 302.309, 302.525, 577.041, 577.600, 577.602, and 577.612)

The substitute specifies that anyone who has had his or her license and driving privilege suspended or revoked for a second or subsequent alcohol-related traffic offense cannot obtain a restricted driving privilege until the person has completed 30 days of a suspension and has filed proof with the Director of the Department of Revenue that his or her motor vehicle is equipped with a functioning, certified ignition interlock device as a required condition of the person's restricted driving privilege. The ignition interlock device must be maintained on all motor vehicles operated by the person for a period of at least six months following the date of reinstatement. If the person fails to maintain the proof, the restricted driving privilege will be terminated; and the person will be guilty of a class A misdemeanor. Any person who has had his or her driving privilege revoked must also file proof of financial responsibility prior to reinstatement.

The substitute requires that a plea of guilty or a finding of guilty followed by a fine, incarceration, a suspended imposition of sentence, suspended execution of sentence, probation or

parole, or any combination thereof in any intoxication-related traffic offense in a state, county, or municipal court, or any combination thereof, must be treated as a prior plea of guilty or finding of guilty when determining if a person is a prior, persistent, aggravated, or chronic offender.

#### 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 at least once a semester a list of the students who are not in compliance.

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.

#### HIGHWAY LANE USE (Section 304.015)

Trucks having a gross weight of 48,000 or more pounds will be prohibited from operating in the far left-hand lane on all

interstate highways, freeways, or expressways located within urbanized areas having three or more lanes of traffic proceeding in the same direction. This restriction will not apply when traffic is directed to use a lane other than the right lane or if the right lane is closed to traffic while under construction or repair.

#### UTILITY VEHICLES (Sections 301.010 and 304.032)

"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.

#### IDLE REDUCTION TECHNOLOGY (Section 304.180)

The substitute increases the maximum gross weight limit and axle weight limit for heavy-duty vehicles equipped with idle reduction technology to compensate for the additional weight of the idle reduction system. The additional weight increase cannot be greater than 400 pounds.

#### COMMERCIAL MOTOR VEHICLE ENFORCEMENT OFFICERS (Sections 304.230 and 304.232)

The State Highway Patrol is required to establish an approved program for local law enforcement officers regarding the enforcement of the commercial motor vehicle laws. The certification procedures approved by the patrol must include training, testing, on-the-job experience, data collection, and other specified criteria. The certification procedures must meet the requirements established by the Commercial Vehicle Safety Alliance. The patrol is authorized to establish reasonable fees to recover the costs of training and certification. Law enforcement officers who have received commercial vehicle safety alliance certification prior to January 1, 2009, will be exempt from these requirements.

Beginning January 1, 2009, only law enforcement officers that have been approved by the patrol under the substitute, members of

the patrol, or commercial vehicle enforcement officers will have the authority to conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws, and with or without probable cause to believe that the size or weight is in excess of that permitted by law, to require the driver, operator, owner, lessee, or bailee to stop, drive, or otherwise move to a location to determine compliance. A law enforcement officer not certified may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. The law enforcement officer must identify to the driver the defect that caused the stop. If the vehicle passes the roadside inspection, the law enforcement officer, highway patrolman, or other authorized person will issue a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle.

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, 2012, 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.

#### UNIFIED CARRIER REGISTRATION ACT (Section 390.021)

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 agreement will take precedence over any prior agreement or conflicting requirements under Chapters 390 and 622.

The Department of Transportation must monitor the federal government's activities regarding the UCR Act, the agreement, and the UCR implementing regulations and will be required to notify the Joint Committee on Transportation if any change, modification, or addition is made to the act. Upon notification, the joint committee will meet to discuss any modification and by the first legislative day of the next regular legislative session, submit a report detailing the change, modification, or

additions to the agreement to the General Assembly. After submission of the report by the joint committee, the change, modification, or additions to the agreement will become effective unless disapproved by a Senate or House Resolution adopted by a majority vote of both chambers within 30 legislative days of the submission.

#### MOTOR CARRIER INDEMNIFICATION AGREEMENTS (Section 390.372)

The substitute makes an indemnity agreement in motor carrier transportation contracts 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.

#### ASSAULT OF AN EMPLOYEE OF A MASS TRANSIT SYSTEM (Sections 565.076, 565.077, and 565.078)

The substitute creates the crimes of assault of an employee of a mass transit system in the first, second, and third degrees. A person commits the crime in the first degree, a class B felony, if the person attempts to kill or knowing causes or attempts to cause serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

A person commits the crime in the second degree if the person knowingly causes or attempts to cause physical injury; recklessly causes serious physical injury; operates a motor vehicle with criminal negligence to cause physical injury while in an intoxicated condition or under the influence of controlled substances or drugs; acts with criminal negligence to cause physical injury by means of a deadly weapon or dangerous instrument; purposely or recklessly places an employee of a mass transit system in apprehension of immediate serious physical injury; or acts with negligence to create a substantial risk of death or serious injury to an employee of a mass transit system while in the scope of his her duties. The crime is a class C felony or a class B felony depending on the circumstances of the crime.

A person commits the crime in the third degree, a class B misdemeanor, if a person recklessly causes physical injury to an employee of a mass transit system, purposely places an employee of a mass transit system in apprehension of immediate physical injury, or knowingly causes or attempts to cause physical contact with an employee of a mass transit system without the employee's consent while in the scope of his or her duties.

#### PROTECTION OF HIGHWAY WORKERS (Section 565.082)

The crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the second degree is expanded to include a highway worker in a construction or work zone.

#### PRIOR INTOXICATION-RELATED OFFENSES (Section 577.023)

The substitute specifies that a plea of guilty or a finding of guilty followed by incarceration, a suspended imposition of sentence, suspended execution of sentence, probation or parole, or any combination thereof in any intoxication-related traffic offense in a state, county, or municipal court will be treated as a prior conviction for purposes of enhanced punishment under Section 577.023.

#### EMISSIONS INSPECTION EXEMPTION (Section 643.340)

The state emissions law is modified to allow motorists to operate their vehicle for 30 days beyond the vehicle's registration expiration without a current state registration license for the purposes of resetting their vehicle's readiness monitors and passing the on-board diagnostic (OBD) retest. Motorists must keep a copy of the most recent failing OBD test results in their vehicle to present to law enforcement. Motorists will still be liable for late registration penalties.

#### ELEVATOR SAFETY BOARD (Section 701.355)

The substitute authorizes the Elevator Safety Board to adopt a code of rules and regulations governing the licensing of elevator mechanics and contractors.

The provisions of the substitute regarding the ignition interlock devices become effective July 1, 2009; and the provisions regarding student eligibility requirements for the issuance of driver's licenses and temporary permits become effective July 1, 2010.

The substitute contains an emergency clause on the provisions regarding a prior plea to an intoxication-related traffic offense.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters say that an annual bid bond will be very helpful to the construction industry. Supporters want to make sure that Missouri does not become a defacto route when it comes to the transportation of radioactive waste.

Testifying for the bill were Senator Stouffer; Associated General



Contractors of Missouri, Incorporated; Missouri Asphalt Pavement Association; Missouri Motor Carriers Association; and Department of Natural Resources.

OPPONENTS: Those who oppose the bill say that allowing truck weights of 85,500 pounds will be detrimental to Missouri highways and to the safety of Missourians.

Testifying against the bill was John Britton, Burlington Northern Santa Fe Railway Company.