

HCS SCS SB 88 -- TRANSPORTATION

SPONSOR: Stouffer (Dixon)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 13 to 0.

This substitute changes the laws regarding transportation.

TRANSPORTATION APPOINTEES (Sections 21.795 and 226.030, RSMo)

The position of Transportation Inspector General for the Joint Committee on Transportation Oversight is eliminated.

Currently, the two members of the Highways and Transportation Commission, one from each political party, who have the most seniority in commission service serve as commission leadership with one as chair and the other as vice chair for a period of one year. At the end of the year, the chair and vice chair rotate positions. The substitute gives the chair and vice chair the option to rotate positions.

COMMITTEE ON LEGISLATIVE RESEARCH (Section 23.156)

Every employee of the Oversight Division of the Committee on Legislative Research is required to take an oath to support the Missouri Constitution; to faithfully demean himself or herself in office; to not disclose confidential information; and to not accept any gifts or emoluments for discharging their official duties, other than their official compensation. Any employee who violates this provision will be guilty of a class A misdemeanor.

MOTOR FUEL TAX (Section 142.800)

The substitute specifies that the definition of "diesel fuel" for motor fuel tax purposes does not include biodiesel until the biodiesel is blended with other diesel fuel or sold for highway use.

PUBLIC ROADWAYS (Section 226.222)

The substitute requires the Department of Transportation's plans, programs, and projects to provide full consideration for the safety and contiguous routes for bicyclists, pedestrians, disabled persons, and transit users of all ages and abilities. Bicycle and pedestrian ways must be given full consideration in the planning and development of transportation facilities by the department, including their incorporation into state plans and programs.

MEMORIAL HIGHWAYS AND BRIDGES (Sections 227.310, 227.311, 227.313, 227.368, 227.402, 227.407, 227.409, and 227.410)

The substitute designates the following memorial highways and bridges:

- (1) The portion of State Highway 100 located in Franklin County from its intersection with State Highway 47 to the highway's connection with Interstate 44 as the "Veterans Memorial Highway";
- (2) The portion of the Poplar Bluff bypass located in Butler County from State Highway 60 where it crosses over the Black River to State Highway 67 where it crosses State Route M as the "Veterans Memorial Highway";
- (3) The portion of State Highway 266 located in Greene County from North Missouri Road AB to one mile east as the "Dr. Martin Luther King Jr. Memorial Mile";
- (4) The bridge over Interstate 44 on Business Loop 44 at Exit 127 in Laclede County as the "Specialist James M. Finley Memorial Bridge";
- (5) The bridge over the Gasconade River on State Highway 17 in Pulaski County as the "WWII Okinawa Veterans Memorial Bridge";
- (6) The portion of Interstate 435 from mile marker 63.4 to mile marker 54.2 as the "Lamar Hunt Memorial Highway";
- (7) The portion of Interstate 64/U. S. Highway 40 from the McClausland/Skinker interchange east to the Interstate 64/Interstate 55 interchange as the "Jack Buck Memorial Highway"; and
- (8) The portion of U. S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street as the "Rabbi Abraham Joshua Heschel Memorial Highway."

ALL-TERRAIN VEHICLES (Sections 300.349 and 301.700)

Licensed drivers are allowed to operate off-highway vehicles on gravel or dirt roads located in any charter county in certain situations. Anyone violating these provisions will be guilty of a class C misdemeanor and may be subject to a civil penalty of up to \$1,000 per day of violation.

A bill of sale is allowed to be used to prove ownership of an all-terrain vehicle when applying for a certificate of ownership.

MOTOR VEHICLE WINDSHIELD STICKERS (Sections 136.055, 306.032, 301.130, 301.140, 301.160, 301.290, and 301.300 - 301.302)

The substitute requires a front window sticker to be placed on the inside front windshield of a motor vehicle to show the current registration and a rear license plate tab. A window sticker will not be issued for a motorcycle or trailer registration.

The Director of the Department of Revenue is allowed, beginning January 1, 2012, to prescribe additional information to be recorded on the window sticker to ensure that it positively correlates with the license plate or plates issued for the vehicle.

SPECIAL LICENSE PLATES (Sections 21.795, 301.165, 301.2998, 301.3155, 301.3158, 301.4005, 301.4006, 301.4010, 301.4016, and 301.4018)

The substitute allows for the following special license plates:

- (1) Brain Tumor Awareness;
- (2) Armed Forces Expeditionary Medal;
- (3) Legion of Merit;
- (4) Missouri Bicycle Federation;
- (5) Nixa Education Foundation;
- (6) National Wild Turkey Federation;
- (7) Missouri Stream Team; and
- (8) D.A.R.E. (Drug Abuse Resistance Education).

The Joint Committee on Transportation's speciality license plate approval process is revised by specifying that once a specialty plate is approved for issuance, the Department of Revenue cannot issue the plate until receiving 200 applications.

MOTOR VEHICLE CERTIFICATES OF OWNERSHIP (Section 301.190)

The substitute establishes a procedure for adding or deleting a name or names on an application for certificate of ownership for a motor vehicle or trailer when there is an inconsistency with the notice of lien.

SALVAGED VEHICLES (Section 301.218)

Currently, when a person who is not a resident of the United States buys a nonrepairable motor vehicle or a salvage motor vehicle, the seller must stamp the words "FOR EXPORT ONLY" on the face of the title and in each unused reassignment space on the back of the title and forward it to the Department of Revenue. The substitute specifies that it is the operator of the salvage pool or salvage disposal sale or the subsequent purchaser who is required to fulfill these actions.

MOTOR VEHICLE VIOLATION PENALTIES (Sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 488.006, and 556.021)

The substitute changes the laws regarding the penalties for certain violations of motor vehicle licensing, registration, and equipment provisions. In its main provisions, the substitute:

(1) Changes the penalties for persons violating the provisions of Sections 301.010 - 301.440 regarding registration and licensing of motor vehicles. Currently, persons violating a provision of these sections can be found guilty of a class C misdemeanor and be subject to a fine of not less than \$5 or more than \$500 and/or imprisonment in the county jail for a term not exceeding one year. The substitute reduces the penalty to an infraction with the same fines;

(2) Specifies that any person who willfully or knowingly makes a false statement on an application for the registration of a motor vehicle or trailer, or as a dealer, or in an application for or assignment of a certificate of ownership will be guilty of a class C misdemeanor;

(3) Changes a violation of the following from a misdemeanor to an infraction:

(a) Provisions of Sections 301.700 - 301.714 and Section 307.198 regarding all-terrain vehicles;

(b) Provisions regarding when materials fall off a vehicle, trailer, or semitrailer while being transported or carried;

(c) Provisions requiring vehicles to be equipped with mud flaps;

(d) Provisions of Sections 307.020 - 307.120 regarding vehicle light regulations;

(e) Provisions regarding the lighting requirements for animal-driven vehicles;

- (f) Provisions of Sections 307.130 - 307.160 regarding vehicle safety glass;
  - (g) Provisions regarding maximum vehicle bumper heights;
  - (h) Provisions regarding vehicle side window tinting;
  - (i) Provisions regarding the improper operation of a motorized bicycle;
  - (j) Provisions of Sections 307.350 - 307.390 regarding motor vehicle inspections; and
  - (k) Provisions of Section 307.400 regarding commercial vehicles and drivers of commercial vehicles;
- (4) Changes a violation of the following from an infraction to a class C misdemeanor:
- (a) Provisions of Section 307.365 regarding requirements of official inspection stations; and
  - (b) Provisions of Section 307.375 regarding inspections of buses used to transport children to or from school;
- (5) Requires Missouri courts for any infraction, unless otherwise provided by law, to assess all court costs, fees, surcharges, and other miscellaneous charges in the same manner and amount as a misdemeanor;
- (6) Specifies that an offense is an infraction if it is designated as one or if a violation can result only in a fine, forfeiture, other civil penalty, or any combination thereof. A determination of whether an infraction has occurred will be made by the filing of a civil action. The action must be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation must be proved by a preponderance of the evidence but must not be tried by a jury. If an infraction violation is proven, judgment must be entered for the plaintiff; and
- (7) Requires the driver of any vehicle or the rider of any animal traveling on a roadway to stop on the signal of any law enforcement officer and to obey any reasonable signal or direction of the officer given in the course of enforcing any infraction. Any person who willfully fails or refuses to obey any signal or direction or who resists or opposes an officer while enforcing any infraction will be guilty of a class A

misdemeanor.

#### MOBILITY MOTOR VEHICLE DEALERS (Section 301.571)

Mobility motor vehicle dealers are allowed to purchase new motor vehicles and equip them for retail sale as mobility motor vehicles.

#### TEMPORARY MOTORCYCLE PERMIT (Section 302.132)

The substitute allows any person at least 16 years of age receiving a temporary motorcycle permit to operate a motorcycle or motortricycle for six months on state highways during daylight hours with no passengers.

#### DRIVER'S OR NONDRIVER'S LICENSE OF A PERMANENTLY DISABLED PERSON (Section 302.182)

An individual who is permanently disabled is allowed to apply to the Department of Revenue to have a notation indicating that status on his or her driver's or nondriver's license. The department will establish the cost and criteria for the placement of the notation.

#### ADMINISTRATION OF DRIVER IMPROVEMENT PROGRAMS (Sections 302.302 and 476.385)

The substitute allows courts using a centralized violation bureau to provide an individual who has violated certain traffic violations the option of attending a driver-improvement program or motorcycle-rider training course in lieu of assessing points against the person's driver's license. The individual must verify his or her attendance as directed by the bureau when paying the required fines and court costs.

#### COMMERCIAL DRIVER'S LICENSES (Sections 302.545, 302.700, 302.735, 302.755, 302.775, and 311.326)

The substitute prohibits the expungement of a minor in possession charge or for being found guilty with a blood-alcohol content of at least .04 for the holder of a commercial driver's license or a person operating a commercial motor vehicle when the violation occurred. A person will be disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted for the first violation of an alcohol-related violation.

The Director of the Department of Revenue will disqualify a commercial driver's license holder or operator of a commercial motor vehicle as a commercial driver upon receipt of a conviction

for an offense or failure to appear or pay. The disqualification will remain in effect until the department director receives notice that the person has complied with the requirement to appear or pay.

The penalty for making a false unsworn statement or affidavit in the driver's license process is changed from a class A misdemeanor to a class D felony.

The state must immediately revoke a hazardous material endorsement upon receipt of an Initial Determination of Threat Assessment and Immediate Revocation from the federal Transportation Security Administration and must revoke or deny a hazardous material endorsement within 15 days of receipt of a final determination. The definition of "hazardous materials" is revised to be consistent with federal law and regulations.

The substitute revises the definition of "farm vehicle" to clarify that it is a commercial motor vehicle operated by a farmer transporting agricultural products, machinery, supplies, or a combination of these within 150 miles to or from the farm.

Any person convicted for driving while out of service will be disqualified from driving a commercial motor vehicle in a manner prescribed by federal regulations.

#### TOWING BY LAW ENFORCEMENT (Section 304.155)

Currently, property is considered to be abandoned when it has been on the right-of-way of any highway or freeway in an urbanized area for 10 hours. Property on the right-of-way on any highway or freeway outside of an urbanized area is not considered abandoned until it has been on the right-of-way for 48 hours. The substitute specifies that property outside of an urbanized area will be considered abandoned after it has been left unattended for 12 hours on the right-of-way of the state highway system.

The substitute also authorizes law enforcement officers to tow a vehicle abandoned by a person who eludes arrest for an alleged offense for which the officer would have taken the offender into custody and allows officers to immediately remove abandoned property from the right-of-way of any interstate, freeway, or state highway if the abandoned property is creating a traffic hazard. Currently, only the Department of Transportation is authorized to immediately remove a hazard from a state highway.

#### STORAGE CHARGES FOR A TOWED VEHICLE (Section 304.161)

The substitute limits the storage charges for any towed vehicle

to a maximum of \$25 per day.

#### TRACTOR PARADES (Sections 304.170 and 304.260)

Tractors driven by licensed drivers during daylight hours on specified parade routes for fund-raising activities and other special community events involving tractors are exempt from certain width, height, length, and registration regulations with the approval of the Superintendent of the State Highway Patrol.

#### CONSTRUCTION AND WORK ZONE VIOLATIONS (Section 304.582)

The substitute specifies that no person will be cited for a violation of certain traffic regulations in a construction or work zone if there are no highway workers located or working within the zone at the time of the alleged violation.

#### TRAILER AND SEMITRAILER SAFETY PRECAUTIONS (Section 304.870)

The substitute prohibits any person, except law enforcement personnel, from climbing, standing, or working on top of any tanker trailer stopped along any highway unless proper safety precautions are taken. Any person violating this provision will be guilty of an infraction punishable by a fine of between \$50 and \$100.

#### MOTORCYCLE HEADLAMP MODULATORS (Section 307.128)

Motorcycle headlamps are allowed to be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity. The standards for the modulation are specified in the substitute.

#### MOTOR VEHICLE DEALERSHIPS (Section 407.584)

The substitute requires any motor vehicle dealership which requires warranty work and repairs to be completed by a manufacturer-authorized dealership or repair facility and the dealership or repair facility discontinues this service and no other authorized dealership or repair facility is located within 75 miles of the dealership or repair facility to allow another dealership or repair facility that is certified by the National Institute for Automotive Service Excellence and is located within 75 miles to perform the warranty work and repairs.

Any dealership or repair facility completing warranty work is allowed to use aftermarket parts if original equipment parts will not arrive within five business days and the aftermarket parts will be available before the original equipment parts. The use of aftermarket parts will not void the manufacturer's warranty



nor will aftermarket parts be covered by the manufacturer's warranty.

#### ASSAULT OF A HIGHWAY WORKER (Sections 565.081 - 565.083)

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

#### CONVEYANCE IN ST. LOUIS CITY (Sections 1 - 5)

The substitute authorizes the Governor to convey state property located in St. Louis City, which is currently being used by the Department of Corrections as a minimum security correctional facility, to the Highways and Transportation Commission for the new Mississippi River Bridge project.

The provisions regarding motor vehicle windshield stickers become effective January 1, 2011.

The substitute contains an emergency clause for the provisions regarding tractor parades.

FISCAL NOTE: Estimated Effect on General Revenue Fund of a cost of Unknown less than \$100,000 to an income of \$150,000 in FY 2010, a cost of Unknown less than \$100,000 in FY 2011, and a cost of Unknown less than \$100,000 in FY 2012. Estimated Cost on Other State Funds of \$158,000 in FY 2010, \$263,074 in FY 2011, and \$526,148 in FY 2012.

PROPOSERS: Supporters say that the bill will get abandoned vehicles off of Missouri roadways faster, therefore, reducing traffic hazards.

Testifying for the bill were Senator Stouffer; Department of Transportation; and State Highway Patrol.

OPPOSERS: There was no opposition voiced to the committee.