

HCS HB 2097 -- TRANSPORTATION

SPONSOR: Dixon

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 9 to 3.

This substitute changes the laws regarding billboards, memorial highways and bridges, transportation development districts, fleet vehicle registration, driveaway license plates, property-carrying commercial motor vehicle license plates, surrender of fraudulent Department of Revenue documents, special license plates, unlawful use of licenses, storage fees for towed vehicles, text messaging while driving, tanker trailer safety precautions, and the transportation of railroad employees.

BILLBOARDS

The substitute:

(1) Allows local authorities to adopt regulations regarding billboard size, lighting, and spacing provisions that are more restrictive than state law if they are reasonable, allow for customary industry usage, and comply with the intent of the provisions of the substitute. Local regulations cannot have the intent or effect of prohibiting billboards on commercial or industrial property within 660 feet of certain highways. If a court rules that a local regulation is prohibitive, unreasonable, or fails to allow for customary industry usage, the statutory state requirements will apply until a valid ordinance is adopted by the local zoning authority;

(2) Prohibits the Highways and Transportation Commission within the Department of Transportation from issuing new state sign permits after the date the commission approves funding for any phase or portion of construction or reconstruction of a street or highway until the completion of the project and requires all existing signs to conform to the requirements for outdoor advertising in effect on August 27, 1999;

(3) Allows an owner of an existing sign who meets all state requirements for outdoor advertising in effect on August 27, 1999, and the federal/state agreement and who voluntarily executes a partial waiver and reset agreement with the commission to reset a sign on the same or adjoining property as long as the owner obtains the necessary local approval. Owners entering into a reset agreement with the commission will receive compensation for the actual cost of resetting the sign. A sign must be reconstructed with the same type of materials and cannot exceed the square footage of the original sign;

(4) Allows a sign owner 120 days from receiving a written notice that a sign will be displaced by construction to execute a reset agreement. If an owner fails to execute an agreement, the commission has the right to initiate normal condemnation procedures for the compensated removal of the sign;

(5) Allows a local zoning authority to prohibit an owner from resetting a qualifying sign that does not comply with local regulations but requires the local authority to reimburse the commission for the cost to condemn the sign less the cost to reset the sign; and

(6) Requires all signs to be subject to the biennial inspection fees under Section 226.550, RSMo.

MEMORIAL HIGHWAYS AND BRIDGES

The substitute designates the following boulevard, highways, and bridges:

(1) The portion of Lindbergh Boulevard in St. Louis County from its intersection with Lemay Ferry Road to the highway's connection with Barracksvue Road as the "Dave Sinclair Boulevard";

(2) The portion of State Highway 80 in New Madrid County from the intersection of State Highway 61, State Highway 80, and State Route H east to Interstate 55 as the "Gene Curtis Memorial Highway";

(3) The portion of State Highway 53 in Butler County from the city limits of Quin to one mile south of the city limits as the "Johnny Lee Hays Memorial Highway";

(4) The portion of Interstate 64/U. S. Highway 40 from the McCausland/Sinker interchange east to the Interstate 64/Interstate 55 interchange as the "Jack Buck Memorial Highway";

(5) The bridge crossing over the Union Pacific Railroad located on U. S. Highway 24 near Wilson Road in the Fairmont Business District in the City of Independence in Jackson County as the "Sergeant Charles R. Long Memorial Bridge";

(6) The portion of U. S. Highway 24 in Jackson County from the bridge crossing over the Union Pacific Railroad in the Fairmont Business District of the City of Independence to the intersection of Noland Road as the "Harry S Truman Memorial Highway";

(7) The portion of Interstate 44 located in Franklin County from the State Highway 100 overpass west to the St. Mary's Road

overpass as the "Corporal Dennis E. Engelhard Memorial Highway";

(8) The portion of U. S. Highway 36 located 1.7 miles west of the intersection of U. S. Highway 36 and State Route 0 in Macon County as the "Missouri State Trooper William Brandt Memorial Highway";

(9) The portion of State Highway 13 from the intersection of State Highway 32 to the intersection of State Highway 83 in Polk County as the "John Playter Memorial Highway"; and

(10) The portion of U. S. Highway 136 from the city limits of Luray to State Route A in Clark County as the "Deputy Don McCutcheon Memorial Highway."

The substitute makes the following changes in memorial highway designations:

(1) The portion of State Highway 266 located in Greene County from Airport Boulevard to one mile east as the "Dr. Martin Luther King Jr. Memorial Mile." Currently, the designation is the portion of State Highway 266 from North Missouri Road AB to one mile east; and

(2) The portion of U. S. Highway 160 in Greene County from the "Rabbi Abraham Joshua Heschel Memorial Highway" to the "Ralph K. Manley Highway." The designation will be the portion of U. S. Highway 160 in Greene County from the intersection of West Mount Vernon Street to one-half mile south of the intersection of West Sunshine Street.

TRANSPORTATION DEVELOPMENT DISTRICTS

The substitute establishes special requirements for the formation of a transportation development district (TDD) to operate a public mass transportation system. Currently, owners of property adjacent to a TDD may petition the court by the unanimous approval of the owners to add their property to the district and the property must be added to the district. The substitute specifies that the unanimous approval requirement will not apply to any TDD formed by a local transportation authority to operate a public transportation system, and the court must add the adjacent property in the petition upon the approval and consent of the TDD's board of directors.

The board of directors for a district formed by local transportation authorities to operate a public mass transportation system must consist of between three and five members appointed by the chief executive officer of each local transportation authority. Any director appointed by a chief

executive officer may be removed by the officer at any time with or without cause. The Highways and Transportation Commission is prohibited from appointing advisers to these boards, and these districts are not required to submit their proposed project plans to the commission for its approval.

Real property taxes for TDDs will not be considered payment in lieu of taxes as it relates to the Real Property Tax Increment Allocation Redevelopment Act, and tax revenues derived from the property taxes will not be subject to allocation under the provisions of the substitute. The sales tax for these districts must not be considered economic activity taxes as it applies to the statutes regarding tax increment financing and are not subject to allocation by those statutes. The Transportation Development District Sales Tax Trust Fund is created to deposit the sales tax revenues generated by these TDDs.

FLEET VEHICLE REGISTRATION

Currently, a fleet vehicle must be registered with the Department of Revenue during April of each year. The substitute requires the vehicle to be registered during April of the corresponding year of the vehicle's model year.

DRIVEAWAY LICENSE PLATES

The substitute specifies that a driveaway license plate can only be used by an owner, corporate officer, or employee of a business to which the plate was issued. An applicant for a driveaway license plate must provide the business name, address, telephone number, business owner's full name, birth date, driver's or nondriver's license number, home address, home telephone number, signature, printed name of the business owner or person making the application, and a statement explaining the usage of the driveaway plate. The applicant must also provide proof of financial responsibility sufficient to cover each motor vehicle the applicant will operate during the registration period. If any of the information provided in the application changes, the applicant must report the change to the Department of Revenue within 10 days of the change. Any violation will result in the revocation of the applicant's driveaway license, and anyone knowingly using a revoked license plate will be guilty of a misdemeanor.

PROPERTY-CARRYING COMMERCIAL MOTOR VEHICLE LICENSE PLATES

Currently, property-carrying commercial motor vehicles are only issued one license plate. The substitute allows the owner of one of these vehicles to request and be issued two plates. The Director of the Department of Revenue may assess and collect an

additional fee for the second plate that cannot exceed the fee for a personalized license plate.

SURRENDER OF FRAUDULENT DEPARTMENT OF REVENUE DOCUMENTS

If the Director of the Department of Revenue or his or her designated representative reasonably believes that a certificate of ownership, a license plate, or a license plate tab was obtained fraudulently, any person in possession of the item must surrender it to the department director, or his or her designated representative, upon request. Any person failing to do so will be guilty of a class A misdemeanor.

SPECIAL LICENSE PLATES

The Director of the Department of Revenue is authorized to issue the following special license plates:

- (1) Combat Action;
- (2) Legion of Merit;
- (3) Join the Movement in support of the National Multiple Sclerosis Society;
- (4) Nixa Education Foundation; and
- (5) National Wild Turkey Federation.

The substitute dissolves the Advisory Committee on License Plate Design and changes the administrative procedures for issuing and developing specialty license plates by:

- (1) Specifying that the department is not required to accept applications and issue specialty plates for a specific category or organization if no applications for the plate have been received within four years from the authorization of the plate or the total number of specialty plates issued for a specific category is less than 200 for two consecutive years;
- (2) Authorizing the department to discontinue the issuance and renewal of a specialty plate if the organization has stopped providing services and the emblem-use authorization statement is no longer being issued by the organization. The organization must notify the department immediately to discontinue the issuance of a specialty plate. These provisions will not apply to any specialty plate which bears the emblem or insignia of a branch of the United States military or a military organization or involve military actions or personnel;

(3) Removing the July 1 deadline for the submission of the necessary documents and fees to the department regarding a request for a new specialty plate and allowing an organization to submit the necessary documents at any time. Interested parties have 60 days from the filing of the proposal to submit testimony to the department in support of or opposition to the specialty plate; and

(4) Requiring the department, as soon as practicable after receiving the required documents and fees, to submit all applications for the development of a specialty plate to the Joint Committee on Transportation Oversight for the committee to approve or deny.

UNLAWFUL USE OF LICENSES

A nondriver identification card is added to the provisions regarding the forms of identification that are unlawful to possess or display if it has been canceled, suspended, revoked, or is knowingly factitious. The Director of the Department of Revenue is authorized to prosecute anyone who knowingly makes a false statement regarding a driver's license or commercial driver's license within one year, but no later than six years, after the department director first discovers the falsity.

STORAGE FEES FOR TOWED VEHICLES

The substitute limits the fees that may be charged for storing a towed vehicle, other than a commercial motor vehicle, to \$45 per day.

TEXT MESSAGING WHILE DRIVING

Currently, individuals 21 years of age or younger are prohibited from sending, reading, or writing a text message or electronic message from a hand-held electronic wireless communications device while operating a moving motor vehicle on any highway in this state. The substitute prohibits anyone, regardless of age, from these activities on any paved road in the state. The provisions of the substitute will not apply to a person operating a motor vehicle on a private gravel road.

TANKER TRAILER SAFETY PRECAUTIONS

Any person, except law enforcement or emergency personnel, is prohibited 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.

TRANSPORTATION OF RAILROAD EMPLOYEES

All contract carriers who are paid to transport railroad employees must equip all vehicles purchased, leased, or otherwise newly placed into service after February 28, 2011, with one or more oscillating amber or white strobe lights mounted to either the rear one-third of the roof or integrated into the rear bumper of the vehicle. The light must be used to provide warning to other motorists whenever the vehicle has stopped on or directly adjacent to the roadway for loading or unloading of passengers or equipment.

The provisions regarding fleet vehicles, driveaway license plates, and the administrative procedures for special license plates become effective January 1, 2011.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$210,829 in FY 2011, Less than \$193,238 in FY 2012, and Less than \$192,918 in FY 2013. Estimated Income on Other State Funds of Less than \$861,143 in FY 2011, Less than \$858,372 in FY 2012, and Less than \$858,372 in FY 2013.

PROPONENTS: Supporters say that the bill will allow the Department of Transportation to relocate many of the existing billboards during road construction rather than requiring it to buy them by condemnation. Local governments will have the option to reimburse the state rather than move a sign.

Testifying for the bill were Representative Dixon; and Bill May, Missouri Outdoor Advertising Association.

OPPONENTS: Those who oppose the bill say that it shifts the costs to local governments and restricts local control of outdoor advertising. It places new mandates on local governments, makes nonconforming signs legal, and requires local governments to buy those signs if it opposed the department's plan to move them.

Testifying against the bill were St. Louis County Municipal League; Missouri Municipal League; John Regenberger, Scenic Missouri; Missouri Votes Conservation; Kyna Iman, Missouri Conservation and Environmental Alliance; and City of Branson.

OTHERS: Others testifying on the bill answered questions from the committee.

Testifying on the bill was Joyce Musick.