

HCS HB 430 -- TRANSPORTATION

SPONSOR: Denison (Burlison)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 12 to 0.

This substitute changes the laws regarding special license plates, municipal streets, traffic light change interval times, and household goods motor carrier regulations.

SPECIAL LICENSE PLATE (Section 301.3084, RSMo)

Currently, to obtain a Breast Cancer Awareness special license plate, a person must pay a \$25 emblem-use authorization fee to the Friends of the Missouri Women's Council and submit to the Director of the Department of Revenue an application along with an emblem-use authorization statement issued by the council. The substitute requires the emblem-use authorization fee to be paid to Winning Women and replaces the words "MISSOURI WOMEN'S COUNCIL" with "WINNING WOMEN" on the special license plate.

MUNICIPAL STREETS (Sections 304.120 and 537.293)

The substitute requires a municipality to allow at least one street, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. The substitute prohibits any civil action for a public or private nuisance on the basis of an individual or business entity legally using a vehicle on a public street or highway.

TRAFFIC LIGHT CHANGE INTERVAL TIMES (Section 304.289)

The Department of Transportation is required to establish minimal yellow light change interval times for traffic-control devices. The interval time must be established in accordance with nationally recognized engineering standards in the Manual on Uniform Traffic Control Devices and cannot be less than the recognized national standard.

HOUSEHOLD GOODS MOTOR CARRIER REGULATIONS (Sections 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, and 390.280)

The substitute changes the laws regarding motor carriers transporting household goods intrastate. The substitute:

(1) Exempts a motor carrier transporting household goods from the requirement to file its schedule of rates, fares, and charges

with the Highways and Transportation Commission. Currently, only a household goods mover operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing its schedule with the commission, a household goods mover engaged in intrastate commerce must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request;

(2) Prohibits a household goods mover from participating in a joint tariff except for a joint tariff relating to joint rates for the transportation of household goods over any through routes or by interline service involving two or more separate motor carriers. A carrier of household goods participating in through routes or interline service must file and publish a joint tariff or individual tariff for each participating carrier;

(3) Removes the provision which prohibits a household goods carrier from using any schedule of rates or charges that divide the state into territorial rate areas;

(4) Specifies that all rates, tolls, charges, schedules, and regulations fixed by the commission with reference to the transportation of passengers and household goods by a motor carrier will be in force and prima facie lawful in a suit brought under Chapter 387;

(5) Requires the commission to establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and to establish a system for filing, logging, and responding to consumer complaints;

(6) Voids, on August 28, 2011, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate order requires or prescribes any minimum or maximum rates for the transportation of the goods;

(7) Specifies that, beginning August 28, 2011, no permit to transport household goods will be issued unless the applicant demonstrates compliance with workers' compensation laws;

(8) Removes the provision requiring a contract carrier transporting household goods to demonstrate that the proposed service will serve a useful purpose when applying for a certificate of authority or permit. An applicant for a household goods moving authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit will have to show that he or she is fit,

willing and able to perform the service, and conforms to other specified requirements;

(9) Removes the provision allowing the issuance of a temporary permit to a household goods common carrier;

(10) Removes the provision requiring a common carrier of household goods to seek authorization from the commission to discontinue service; and

(11) Voids any geographic restriction or provision limiting a household goods carrier's scope of authority to particular routes within this state contained in a certificate, permit, or both which was issued prior to August 28, 2011, and any similar provision contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a motor carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff schedules are reissued or amended to reflect the motor carrier's statewide operating authority.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPOSERS: Supporters say that the bill assists new household goods motor carriers in starting a business and makes it easier for existing carriers to operate by removing the complicated processes associated with household movers.

Testifying for the bill were Representative Burlison; Bruce Hillis; Missouri Movers Association; Ron Calzone, Missouri First, Incorporated; and Department of Transportation.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that there are economic and constitutional consequences related to the certificate of necessity requirements.

Testifying on the bill was Timothy Sundefur, Pacific Legal Foundation.