

HCS HB 430 -- TRANSPORTATION (Burlison)

COMMITTEE OF ORIGIN: Committee on Transportation

This substitute changes the laws regarding special license plates, nondriver's licenses, municipal streets, and household goods motor carrier regulations.

SPECIAL LICENSE PLATES (Sections 301.3084, 301.3145, and 301.4036, RSMo)

The substitute:

(1) Changes the laws regarding the "Breast Cancer Awareness" special license plate by specifying that, upon making a \$25 annual contribution to the newly created Breast Cancer Awareness Fund, a person is allowed to obtain a "Breast Cancer Awareness" special license plate. The person must pay a \$15 fee in addition to the regular registration fees and present the required documentation. 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 the emblem-use authorization statement issued by the council. The substitute replaces the words "MISSOURI WOMEN'S COUNCIL" with "BREAST CANCER AWARENESS" on the special license plate;

(2) Allows for a special license plate for a member of the National Rifle Association. To obtain the plate, a person must submit an application to the department director accompanied by an emblem-use authorization statement along with an additional \$15 fee. Any person who was previously issued an association plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the association's emblem; and

(3) Allows for a special license plate for a member of the National Wild Turkey Federation. To obtain the plate, a person must submit an application to the department director accompanied by an emblem-use authorization statement along with an additional \$15 fee. Any person who was previously issued a federation plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the federation's emblem. Prior to the issuance of the specialty plate, a list of at least 200 potential applicants for the plate, the proposed design of the plate, and an application fee not to exceed \$5,000 must be submitted to the department.

NONDRIVER'S LICENSES (Sections 302.181 and 571.101)

The substitute specifies that a nondriver's license containing a concealed carry endorsement will expire three years from the date the certificate of qualification was issued. The fee for a nondriver's license issued for a period exceeding three years will be \$6. The fee for a nondriver's license issued for a period of three years or less will be \$3.

MUNICIPAL STREETS (Sections 304.120 and 537.293)

A municipality is required to allow at least one street, with lawful traffic movement and access from both directions, to be available for use by a commercial vehicle to access any road in the state highway system. The substitute specifies that the legal use of a vehicle on a public street or highway cannot constitute a public or private nuisance and cannot be the basis of a civil action for a public or private nuisance.

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:

- (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.