

CCS SS SCS HCS HB 430 -- TRANSPORTATION

(Vetoed by the Governor)

This bill changes the laws regarding transportation.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT (Section 21.795, RSMo)

The bill specifies that the seven Senate members of the Joint Committee on Transportation Oversight must be composed, as nearly as possible, of majority and minority party members in the same proportion as the number of majority and minority party members in the Senate. Currently, no more than four members from the same party can be members of the committee.

The Department of Transportation must submit its annual report no later than December 31, instead of by November 10; and the annual meeting to receive and examine the report must be held prior to February 15, instead of December 1.

REIMBURSEMENTS TO BI-STATE DEVELOPMENT AGENCY (Section 70.441)

A person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of facilities and conveyances of the Bi-State Development Agency is required to reimburse, in addition to the unpaid fare or charges and any fines, penalties, or sentences imposed by law, the reasonable costs attributable to the enforcement, investigation, and prosecution of the offense by the agency. The court must direct the reimbursement proceeds to the appropriate agency official.

BILLBOARDS (Sections 226.540 and 226.541)

The bill:

(1) Allows local authorities to adopt regulations regarding billboard size, height, lighting, and spacing provisions that are more restrictive than state law if they allow for customary usage and comply with the intent of the provisions of Section 226.540. Local regulations cannot prohibit off-premise outdoor advertising structures on commercial or industrial property within 660 feet of federal aid primary or interstate highways;

(2) Specifies that on the date that the Highways and Transportation Commission within the Department of Transportation approves funding for any phase or portion of construction or reconstruction, the rules in effect for outdoor advertising on August 27, 1999, must be reinstated for the section of highway

scheduled for construction and an immediate moratorium be imposed on the issuance of state sign permits for new sign structures;

(3) Allows an owner of an existing sign who meets all state requirements for outdoor advertising in effect on August 27, 1999, meets the requirements of the federal/state agreement, and voluntarily executes a partial waiver and reset agreement with the commission to reset the sign on the same or adjoining property as long as the owner obtains the necessary local approval. An owner 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 partial waiver and 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; and

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

DESIGN-BUILD CONTRACTS FOR HIGHWAY PROJECTS (Section 227.107)

The authority of the Highways and Transportation Commission within the Department of Transportation to enter into design-build projects is extended from July 1, 2012, to July 1, 2018. The commission is also authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 located in the counties of St. Charles and St. Louis.

RECREATIONAL OFF-HIGHWAY VEHICLES (Section 301.010)

The definition of "recreational off-highway vehicle" is revised to be any motorized vehicle manufactured and used exclusively for off-highway use which is 64 inches or less in width with an unladen dry weight of 1,850 pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and a steering wheel. Currently, the vehicle must be 60 inches or less in width.

MOTOR VEHICLE REGISTRATIONS (Section 301.147)

Currently, an owner of a motor vehicle, other than a commercial motor vehicle licensed in excess of 12,000 pounds, may register biennially. The bill allows an owner of a motor vehicle, other than a commercial motor vehicle licensed in excess of 54,000 pounds, to register biennially.

MOTOR VEHICLE DEALERS (Sections 301.225, 301.425, 301.559, 301.560, and 301.562)

The bill:

(1) Allows a representative from the Department of Revenue to inspect the premises of a person licensed or required to be licensed to operate a salvage yard;

(2) Requires a person to surrender a certificate of ownership, a license plate or tab, or a Missouri nondriver identification card or driver's license if a peace officer or a representative from the department has probable cause to believe that it was obtained fraudulently. Anyone failing to surrender an item will be guilty of a class A misdemeanor;

(3) Authorizes the department director to issue a dealer's license valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload;

(4) Exempts certain wholesale and new motor vehicle franchise dealers from maintaining records at their licensed place of business as long as the records are maintained and available for inspection at another office site and exempts certain wholesale dealers from maintaining or posting minimum hours of operation;

(5) Requires the department director to order an agent or employee of the department or a law enforcement officer to secure possession of a person's license or distinctive number plates of any licensee who neglects or refuses to surrender an item which has been suspended or revoked. Anyone not surrendering an item will be guilty of a class A misdemeanor;

(6) Specifies that certain specified events or acts by the holder of any license deemed to present a clear and present danger to the public welfare will be cause for the suspension or revocation of a license; and

(7) Specifies the administrative procedure and notice requirements for the suspension or revocation of a license.

SPECIAL LICENSE PLATES (Sections 301.3084 and 301.4036 and Section 1)

The bill:

(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" 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" 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 bill 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 Wild Turkey Federation. To obtain the plate, a person must pay a \$15 emblem-use authorization fee to the federation and submit to the department director an application along with the emblem-use authorization statement and a \$15 fee in addition to the regular registration 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 art design of the plate, and an application fee not to exceed \$5,000 must be submitted to the department; and

(3) Allows for a special license plate for a member of the National Rifle Association. To obtain the plate, a person must pay a \$25 emblem-use contribution to the association and submit to the department director an application along with the emblem-use authorization statement and a \$15 fee in addition to the regular registration 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.

ENDANGERMENT OF EMERGENCY RESPONDERS (Sections 302.302, 304.890, 304.892, and 304.894)

The bill specifies that a person commits the crime of endangerment of an emergency responder if, while in an active emergency zone as defined in the bill, the person:

(1) Exceeds the posted speed limit by 15 miles per hour or more;

- (2) Commits a passing violation;
- (3) Fails to stop for an active emergency zone flagman or emergency responder or fails to obey erected traffic control devices or personnel in the active emergency zone;
- (4) Drives through or around an active emergency zone by using any lane not clearly designated for that purpose;
- (5) Physically assaults, attempts to assault, or threatens to assault an emergency responder with a vehicle or other item;
- (6) Intentionally strikes, moves, or alters barrels, barriers, signs, or other devices erected to control the flow of traffic for any reason other than to avoid an obstacle, an emergency, or to protect the health and safety of any person; or
- (7) Commits certain specified traffic offenses for which points may be assessed against a person's driver's license.

Upon a finding of guilt or a plea of guilty, any person who commits the crime of endangerment of an emergency responder will be assessed a fine of up to \$1,000 and have four points assessed against his or her driver's license in addition to any other penalty authorized by law. If the offense results in the injury or death of an emergency responder, the person will be guilty of aggravated endangerment of an emergency responder and will be assessed a fine of up to \$5,000 for an injury and \$10,000 for a death with 12 points assessed against the person's driver's license.

The bill requires a court to assess a fine of \$35 in addition to any other authorized fine to a person who is convicted of or who pled guilty to a first offense for a moving violation if the offense occurred within an active emergency zone. For a subsequent conviction or plea of guilty, the court must assess a \$75 fine in addition to any other authorized fine. Upon the first conviction or plea of guilty by any person for a speeding or a passing violation, the court must assess a fine of \$250 in addition to any other authorized fine if the offense occurred within an active emergency zone and at the time the speeding or passing violation occurred there were emergency responders in the zone. For a subsequent conviction or plea, the court must assess a fine of \$300 in addition to any other fine authorized by law. Any driver passing another motor vehicle within an active emergency zone will be guilty of a class C misdemeanor. No person can be assessed an additional fine if the area is not visibly marked by emergency personnel.

LIMITED DRIVING PRIVILEGES (Section 302.309)

The bill removes the provisions allowing the issuance of limited driving privileges to a repeat driving while intoxicated offender for the purpose of seeking medical treatment or for any other circumstance that the court or department director finds would create an undue hardship if not allowed but specifies that it can be used for driving to or from the person's place of employment, attending school, attending an alcohol or drug treatment program, or seeking the services of a certified ignition interlock device provider.

The bill specifies that certain repeat offenders will not be eligible for limited driving privileges until they have completed the first 30 days of a suspension or 45 days of a revocation.

COMMERCIAL DRIVER'S LICENSES (Sections 302.341, 302.700, and 302.768)

The bill:

(1) Requires the Director of the Department of Revenue to return the license and remove the suspension from an individual's driving record if he or she was not operating a commercial motor vehicle or was not a commercial driver's license holder at the time of the offense and he or she provides proof of the disposition of the charges, payment of the fine and any court costs, and payment of the reinstatement fee;

(2) Specifies that a person will be disqualified for a commercial driver's license for any withdrawal of his or her privilege to drive a commercial vehicle by the countries of Canada or Mexico as the result of certain specified motor vehicle violations;

(3) Requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

(a) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate;

(b) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate;

(c) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or

(d) A driver operating or expecting to operate only in

intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements; and

(4) Specifies that an applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The bill specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

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 bill 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.

VEHICLES HAULING LIVESTOCK OR AGRICULTURAL PRODUCTS (Section 304.180)

The bill specifies that the total gross weight of a vehicle or a combination of vehicles hauling livestock on U. S. Highway 36 from St. Joseph to U. S. Highway 63, on U. S. Highway 65 from the Iowa state line to U. S. Highway 36, and on U. S. Highway 63 from U. S. Highway 36 to the Iowa state line cannot exceed 85,500 pounds. Currently, this weight limit cannot be exceeded on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36.

RELOCATION OF MANUFACTURED HOMES (Section 304.200)

The transportation of a manufactured home is prohibited unless the owner of the home has paid property taxes on the home for the taxable year in which the home is being moved and for all prior taxable years. The homeowner or title holder must obtain a receipt from the county collector showing that all property taxes on the home have been paid prior to the transport.

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 bill:

(1) Exempts a motor carrier transporting household goods in intrastate commerce from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission within the Department of Transportation. Currently, only a household goods motor carrier operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing this information with the commission, a household goods motor carrier 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 motor carrier 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 performed by two or more separate motor carriers. A household goods motor carrier participating in through routes or interline service must publish a joint tariff and evidence of its concurrence or acceptance or individual tariff for each participating carrier;

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

(4) 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;

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

(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, maximum, or minimum and maximum rates for the transportation of the goods;

(7) Specifies that, beginning August 28, 2011, no certificate or permit to transport household goods in intrastate commerce will be issued or renewed unless the applicant demonstrates compliance with state workers' compensation insurance coverage laws for all of its employees;

(8) Removes the provision requiring a contract motor carrier transporting household goods to demonstrate that the proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. An applicant for a household goods moving certificate of 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 must be fit and willing and able to perform the proposed service and must conform to other specified requirements; and

(9) Voids any geographic restriction or provision limiting a household goods motor 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 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 carrier's statewide operating authority.

MINING PERMITS (Section 444.771)

The Department of Natural Resources and the Land Reclamation Commission within the department are prohibited from issuing a surface mining or a water or air quality permit to any person whose mine plan boundary is within 1,000 feet of any property where an accredited school has been located for at least five years prior to the permit application. This provision does not apply to a request for an expansion to an existing mine or to any underground mining operation.

COMMUNITY SERVICE FOR INTOXICATION-RELATED TRAFFIC OFFENSES (Section 577.023)

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. The bill specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole.

The provisions regarding motor vehicle registrations become

effective July 1, 2012; and certain provisions regarding commercial driver's licenses become effective on the date the Director of the Department of Revenue begins accepting medical certifications or May 1, 2013, whichever occurs first.