

HCS SS SCS SB 58 -- TRANSPORTATION

SPONSOR: Stouffer (Denison)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 11 to 0.

This substitute changes the laws regarding memorial highways, the Breast Cancer Awareness special license plate, municipal streets, relocation of manufactured homes, and household goods motor carrier regulations.

MEMORIAL HIGHWAY (Section 227.428, RSMo)

The substitute designates the portion of Interstate 70 in Lafayette County from the intersection of State Route WW east to the intersection of State Highway 131 as the "Sergeant Joe C. Specker Memorial Highway."

BREAST CANCER AWARENESS SPECIAL LICENSE PLATE (Section 301.3084)

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)

A municipality is required 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 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.

RELOCATION OF MANUFACTURED HOMES (Section 304.200)

The substitute prohibits the transportation of a manufactured home 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 owner 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 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 updates laws regarding the moving industry to bring Missouri into compliance with federal law. The bill maintains consumer protection but eliminates burdensome regulations on the moving industry.

Testifying for the bill were Senator Stouffer; Bruce Hillis; Department of Transportation; and Missouri Movers Association.

OPPOSERS: There was no opposition voiced to the committee.