

HCS SS SCS SB 470 -- TRANSPORTATION

SPONSOR: Dixon (Burlison)

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

This substitute changes the laws regarding transportation. In its main provisions, the substitute:

(1) Allows persons to operate specified motor vehicles engaged in public safety or restoration of utility services on public highways with dyed fuel during any Governor-declared state emergency. Dyed motor fuel is exempt from the state excise tax on motor fuels;

(2) Exempts all highway route controlled quantity shipments of spent nuclear fuel or low-level radioactive waste from the fee for transporting radioactive waste. Currently, shipments of 30 miles or less within the state are exempt. The substitute specifies that all vehicles and carriers transporting highway route controlled quantities of radioactive material are regulated by the United States Department of Transportation and required to pass the specified federal inspection and if it passed the federal inspection, the shipment cannot be subject to an additional inspection unless the inspection is necessary at the discretion of state safety resources;

(3) Allows the owners of a commercial vehicle licensed under 54,000 pounds the option of biennially registering the vehicle. Currently, the option is available to the owner of a commercial vehicle licensed under 12,000 pounds;

(4) Specifies that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have a suspension for failure to appear removed from his or her driving record. Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record;

(5) 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;

(6) 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

(7) 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 substitute 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;

(8) Adds a stationary vehicle owned by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation displaying lighted amber or amber and white lights to the list of vehicles that an approaching motor vehicle driver must proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle or proceed with due caution and reduce the speed of the vehicle if changing lanes would be unsafe or impossible. The substitute also adds this type of vehicle if it is marked as a Department of Transportation emergency response or motorist assistance vehicle to the definition of "emergency vehicle" as it applies to Section 304.022, RSMo;

(9) Requires a municipality to allow at least one route, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. No municipality may pass an ordinance that

denies the use of commercial vehicles on all routes within the municipality;

(10) Changes the laws regarding towing companies operating tow trucks by:

(a) Requiring a company to be licensed by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration;

(b) Requiring a company to have and occupy a verifiable business address with the address displayed in a location visible from the street. Currently, it is only required to have and occupy a verifiable business address;

(c) Requiring the total area for storing vehicles, either inside or outside, to be at least 2,000 square feet with fencing a minimum of six feet high;

(d) Requiring the business office to maintain regular business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, for customers or their authorized agent to view and retrieve vehicles at no additional charge during these business hours;

(e) Requiring the company to have and maintain a phone number which is published in the local phone book and accessible through directory assistance;

(f) Requiring the company to maintain liability insurance of garage coverage liability of \$1 million per occurrence with an aggregate amount of at least \$2 million, a garage keeper policy with a \$50,000 minimum, and hook and cargo insurance with a \$150,000 minimum;

(g) Requiring the company to provide a \$25,000 surety bond from a licensed Missouri business or an irrevocable letter of credit from a licensed Missouri financial institution;

(h) Requiring tow drivers to be certified by the Towing and Recovery Association of America (TRAA) or any state or federally funded program. Beginning August 28, 2013, light-duty operators must have at least TRAA Level 1 Certification or equivalent. Beginning March 1, 2014, medium-duty operators must have at least TRAA Level 2 Certification or equivalent. Beginning August 28, 2014, heavy-duty operators must have at least TRAA Level 3 Certification or equivalent; and

(i) Repealing the provision exempting a towing company located in a second, third, or fourth classification from the provisions of Section 304.154;

(11) Changes the highways on which a vehicle or combination of vehicles hauling livestock with a total gross weight of over 85,500 pounds may operate. Currently, these vehicles cannot operate 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. The substitute specifies that these vehicles cannot operate 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 the Iowa state line to U. S. Highway 36;

(12) Allows a vehicle weighing 85,500 pounds or less to haul milk from a farm to a processing facility on highways other than the interstate highway system;

(13) Expands the Kansas City commercial zone by including the stretch of State Route 45 from its intersection with Interstate 29 to the city limits of Iatan; and

(14) Changes the laws regarding motor carriers and the transportation of household goods by:

(a) Exempting 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;

(b) Prohibiting 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;

(c) Removing 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;

(d) Requiring 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;

(e) Specifying that all rates, tolls, charges, schedules, and joint rates fixed by the commission with reference to the transportation of 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;

(f) Voiding, on August 28, 2012, 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;

(g) Specifying that, beginning August 28, 2012, 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;

(h) Removing 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;

(i) Voiding 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, 2012, 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; and

(j) Prohibiting 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.

The provisions of the substitute regarding commercial driver's license holders will become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill will be good for the moving industry.

Testifying for the bill were Senator Dixon; Scott Marion, Director, Motor Carrier Services, Department of Transportation; and Missouri Trucking Association.

OPPOSERS: There was no opposition voiced to the committee.