

CCS HCS SS SCS SB 470 -- TRANSPORTATION

This bill changes the laws regarding transportation.

DYED FUEL (Section 142.932, RSMo)

The bill allows a person to operate specified motor vehicles engaged in public safety matters or the restoration of utility services on public highways with dyed fuel during any state of emergency. Dyed motor fuel is exempt from the state excise tax on motor fuels.

SALES TAX EXEMPTION FOR CERTAIN VEHICLES (Section 144.030)

A sales tax exemption is authorized for a motor vehicle registered in excess of 54,000 pounds and the trailer pulled by the motor vehicle that is actually used in the normal course of business to haul property on the public highways of the state and is capable of hauling loads commensurate with the motor vehicle's registered weight. The sales tax exemption also includes the materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance or manufacture of the vehicle.

TRANSPORTATION OF RADIOACTIVE WASTE (Section 260.392)

The method by which fees for transporting radioactive waste by truck are assessed is revised. Currently, a fee of \$1,800 is charged for each cask transported through or within the state by truck of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments, and all casks are subject to a surcharge of \$25 per mile for every mile over 200 miles traveled within the state. The bill assesses the fee and surcharge based on each truck rather than on each cask.

RECREATIONAL OFF-HIGHWAY VEHICLES (Sections 301.010 and 304.033)

The bill:

- (1) Revises the definition of "recreational off-highway vehicle" by increasing the maximum width of a recreational off-highway vehicle from 60 inches to 64 inches and the maximum unladen dry weight of a vehicle from 1,850 pounds to 2,000 pounds;
- (2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:
 - (a) Vehicles owned and operated by a governmental entity for official use;

(b) Vehicles operated for agricultural purposes or industrial on-premises purposes;

(c) Vehicles operated within three miles of the operator's primary residence. This provision does not authorize the operation in a municipality unless it is authorized by the municipality;

(d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads; and

(e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;

(3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river with the exception of an operator who owns the property, has permission to be on the property through which the waterway flows, or is fording it at a road crossing; and

(4) Requires a person operating a recreational off-highway vehicle on a highway under these provisions to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, and to wear a seat belt and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

TEMPORARY MOTOR VEHICLE PERMITS AND LICENSE PLATES (Section 301.140)

The Director of the Department of Revenue is authorized to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than 30 days from the date of purchase. The temporary permit may be purchased from the central office of the department, an authorized agent of the department, or a motor vehicle dealer upon the purchase of a motor vehicle or trailer that the buyer has registered and for which he or she is awaiting receipt of registration plates. The fee for a temporary permit cannot exceed \$5. Currently, the fee is \$7.50. The department director must direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer.

The distribution of funds from the temporary permits sold by motor vehicle dealers and license offices is revised. Revenues

collected by an authorized producer will not constitute state revenue moneys; only permits sold directly by the department to purchasers must continue to be credited to the State Highway Department Fund. No state funds can be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits.

Each temporary permit issued must be securely fastened to the back or rear of the motor vehicle in a manner and place consistent with registration plates so that all parts and qualities are plainly and clearly visible, reasonably clean, and not impaired in any way. The department director may reissue a temporary registration permit at his or her discretion for a motor vehicle or trailer while proper title and registration are being obtained. Upon the issuance of a temporary permit by the department, agent, or dealer, the department director must make the information associated with the permit immediately available to law enforcement.

These provisions expire July 1, 2019.

A motorist is allowed to purchase an additional temporary license plate that matches an existing or newly issued plate to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. The plate must be placed in the interior of the vehicle's rear window so that the driver's view is not obstructed and the plate configuration is clearly visible from outside of the vehicle. The fee for the additional temporary license plate will be \$7.50. The third plate may be used only on the vehicle with the matching plate, and the additional third plate must be clearly recognizable as a third plate and used only for the specified purpose.

BIENNIAL REGISTRATION OF COMMERCIAL VEHICLES (Section 301.147)

The owner of a commercial vehicle licensed under 54,000 pounds is allowed the option of biennially registering the vehicle. Currently, the option is available to the owner of a commercial vehicle licensed under 12,000 pounds.

SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE (Section 301.580)

The Department of Revenue is allowed to issue a special event motor vehicle auction license to an applicant for the purpose of auctioning motor vehicles if at least 90% of the vehicles are 10 years old or older. A licensee must auction no more than 3% of the total number of vehicles presented for auction that are owned and titled in the name of the licensee or its owners. An auction can be held for no more than three consecutive days and no more than three times in a year by a licensee. A report must be sent

to the department director within 10 days of the conclusion of the auction on a department director-approved form specifying the make, model, year, and vehicle identification number of every vehicle included in the auction. Anyone violating this provision will be guilty of a class A misdemeanor and will be charged a \$500 administrative fee payable to the department for each vehicle auctioned in violation of this provision.

A special event motor vehicle auction will be considered a public motor vehicle auction for the purposes of licensing and inspection of certain documents and odometer readings; however, the licensee will not be required to have a bona fide established place of business. An application to hold a special event motor vehicle auction must be received by the department at least 90 days prior to the event. An applicant must be registered to conduct business in this state, pay a licensing fee of \$1,000, and furnish a corporate surety bond or an irrevocable letter of credit in the amount of \$100,000. The applicant will be responsible for ensuring that a sales tax license or special event sales tax license is obtained if one is required.

VETERAN DESIGNATION ON DRIVER'S LICENSE (Sections 302.185 and 302.188)

A person is allowed to apply to the Department of Revenue to obtain a veteran designation on a driver's license or identification card upon providing a United States Department of Defense discharge document, known as a DD Form 214, showing a discharge status of "honorable" or "general under honorable conditions" and the payment of the authorized fees for the license or card. The department may determine the appropriate placement of the designation on a license or card.

FAILURE TO APPEAR IN COURT (Section 302.341)

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. The bill specifies that if the individual was operating a commercial motor vehicle or was a holder of a commercial driver's license at the time of the offense, he or she will not be eligible to have his or her license returned and the suspension removed from his or her driving record.

UNIFORM COMMERCIAL DRIVER'S LICENSE ACT (Sections 302.700 and 302.780)

The bill requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the specified requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

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

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

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

(4) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements.

An applicant for a commercial driver's license certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver. The bill specifies the certification process. The state must retain the physical qualification document for at least three years beyond the date the certificate was issued. An applicant must provide an updated medical certificate or variance documents in order to maintain a certified status during the term of his or her license in order to retain commercial motor vehicle driving privileges. The Director of the Department of Revenue must post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification, and certification status to the Missouri driver record within 10 days, and the information will become part of the Commercial Driver's License Information System driver record. 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.

MISSOURI AUTO INSURANCE PLAN (Section 303.200)

The provisions regarding the Missouri Auto Insurance Plan are revised so that an insurance company that opts out of servicing its share of high risk drivers must be assessed a fee. The plan must contract with an entity or entities to accept and service

policies for any company that does not elect to accept and service applicants and policies. By October 1 of each year, a company that elects to accept and service applicants and policies for the next calendar year must notify the plan. A company that does not must pay a fee to the plan for providing the services based on the company's market share on the kinds of insurance offered by the plan.

YIELDING TO EMERGENCY VEHICLES (Section 304.022)

The bill adds any vehicle owned by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation that 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.

Upon approaching a stationary emergency response or motorist assistance vehicle displaying lighted amber or amber and white lights, every motor vehicle driver is required to 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 reducing the speed of the vehicle if changing lanes would be unsafe or impossible.

USE OF MUNICIPAL STREETS (Section 304.120)

A municipality must 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 ordinance can deny the use of commercial vehicles on all routes within the municipality.

VEHICLES HAULING LIVESTOCK, AGRICULTURAL PRODUCTS, OR MILK (Section 304.180)

Currently, a vehicle or combination of vehicles hauling livestock with a total gross weight of more than 85,500 pounds 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 bill prohibits these vehicles from operating 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, on U.S. Highway 63 from the Iowa state line to U.S. Highway 36, and on U.S. Highway 63 from U.S. Highway 36 to State Highway 17. The weight limit cannot apply to a vehicle operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

The bill allows a vehicle or a combination of vehicles weighing

85,500 pounds or less to haul milk from a farm to a processing facility on highways other than the interstate highway system. The weight limit cannot apply to a vehicle operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

KANSAS CITY COMMERCIAL ZONE (Section 304.190)

The bill expands the Kansas City commercial zone by including the portion of State Route 45 from its intersection with Interstate 29 to the city limits of Iatan.

HOUSEHOLD GOODS MOVERS (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 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.

A household goods motor carrier cannot participate 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 concurrence or acceptance or an individual tariff for each participating carrier.

The bill removes the provision that prohibits a household goods motor carrier from using any schedule of rates or charges that divides the state into territorial rate areas.

The commission must establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and a system for filing, logging, and responding to consumer complaints.

The bill specifies that the commission does not have the authority to fix the rates, tolls, charges, schedules, and joint rates with reference to the transportation of household goods. The rates and charges published by household goods carriers must

be in force and be prima facie lawful, and all regulations, practices, and services prescribed by the commission will be in force and will be prima facie lawful and reasonable until found otherwise in a suit brought for that purpose under Chapter 387.

The bill vacates and sets aside, on August 28, 2012, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate orders require or prescribe any minimum, maximum, or minimum-and-maximum rates for the transportation of the goods.

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.

The bill removes the provision requiring a contract motor carrier transporting household goods to demonstrate that it is fit, willing, and able to perform the proposed service and 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, willing, and able to perform the proposed service and must conform to other specified requirements.

The bill 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 or permit, or both, that 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.

The provisions of the bill regarding temporary motor vehicle permits become effective on the date the Department of Revenue or an authorized producer begins production of the permit or July 1, 2013, whichever occurs first; the provisions regarding biennial registration for larger vehicles become effective July 1, 2015; and the provisions regarding the commercial driver medical certification become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first.