

HCS#2 SS#2 SCS SB 1050 -- TRANSPORTATION

SPONSOR: Schatz (Reiboldt)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Transportation by a vote of 6 to 2. Voted "Return to Committee of Origin" by the Standing Committee on Rules - Administrative Oversight by a vote of 14 to 0. Voted "Do Pass with HCS No. 2" by the Standing Committee on Transportation by a vote of 7 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 2.

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

(1) Removes the requirements involving details for financial reports submitted by the Department of Transportation to the Joint Committee on Transportation Oversight. In lieu of extremely lengthy and detailed mandated reporting, three annually produced publications from the department will be provided to the committee (Section 21.795, RSMo).

This provision is similar to HB 2268 (2018);

(2) Removes the requirement that the Missouri Department of Transportation and railroad owners approve certain annexations of unincorporated areas by municipalities when a railroad crosses the area (Sections 71.012 and 71.015);

(3) Increases minimum motor vehicle liability coverage from \$10,000 to \$25,000 and changes the option to use a certificate of financial responsibility filed with the treasurer in lieu of insurance from \$60,000 to \$75,000. Minimum coverage requirements for state vehicles, aircraft, and marine vessels are also modified as specified. These provisions are effective July 1, 2019 (Sections 105.1073, 303.020, 303.030, 303.120, 303.190, and 303.240).

These provisions are similar to SB 708 (2018);

(4) Removes requirements that money in the Road Bond Construction Fund and Special Road and Bridge fund be used on continuous roads through a political subdivision and allows counties to share proceeds with political subdivisions by agreement (Sections 108.120 and 137.555);

(5) Requires school bus drivers who are 70 years of age or older to complete a CDL skills test and the driver's license exam on an annual basis in order to maintain their authority to drive buses.

Currently, school bus drivers provide an annual statement from a medical examiner certifying that they can safely operate a school bus. This bill extends the time period to not longer than two years if a medical examiner approved by the Department of Transportation agrees to issue such certification instead of a one-year certification statement. The department may promulgate rules to enforce the bill (Sections 162.064 and 302.272).

These provisions are similar to HB 1675 & 1676 (2018);

(6) Creates the "Emergency Bridge Repair and Replacement Fund" from moneys appropriated from general revenue to the Department of Transportation or received from other eligible funds. The fund shall only be used for accelerated replacements of, or to make immediate repairs to, bridges constructed or maintained at the cost of the state that are located on state or interstate highways and are in critical disrepair (Section 226.228).

This provision is similar to HB 2153 (2018);

(7) Allows use of state funds to implement the federal ADA act regarding rest areas and similar infrastructure (Sections 226.770 and 226.780);

(8) Allows the department to set the utility corridor at 12 feet in width when space is reasonably available. Existing law applies to any type of modifications within utility corridors, and the department is required to set standardized rules for issuing variances to utility corridor requirements (Section 227.240).

This provision is similar to HB 2486 (2018);

(9) Designates the following highway and road names with all expenses to be paid from private funds:

(a) The portion of U.S. Highway 63 from March Road in Adair County continuing north to State Highway Y in Schuyler County as the "Bluegrass Queen Rhonda Vincent Highway" (Section 227.537);

(b) The portion of State Highway 45 Spur from State Highway 45 continuing north to State Highway 92 in Platte County as the "Deputy Edward Culver Memorial Highway" (Section 227.538);

(c) The portion of State Highway 30 from State Highway 21 continuing east to State Highway P in St. Louis County as the "Officer Blake Snyder Memorial Highway" (Section 227.539);

(d) The portion of Interstate 44 from State Highway 360 west to State Highway PP in Greene County as the "Captain Aaron J. Eidem

Memorial Highway" (Section 227.540);

(e) The portion of U.S. Highway 61 from State Highway Z continuing south to Grant City Drive in Scott County as the "Otto Lee Porter Highway" (Section 227.545);

(f) The portion of U.S. Highway 61 from County Road 428 continuing south to State Highway Z in Scott County as the "Elnora Timmons Porter Highway" (Section 227.546);

(g) A portion of Interstate 70 in Boone County as the "Highway Patrol Sgt. Benjamin Booth Memorial Highway" (Section 227.541);

(h) A portion of Interstate 70 in Boone County as the "Sheriff Roger I. Wilson Memorial Highway" (Section 227.542); and

(i) A portion of State Highway 42 in Maries County and the city of Vienna as the "PFC Ralph A. Branson, Jr. Memorial Highway."

These provisions are similar to HCB 14 (2018);

(10) States that one purpose of the brush control law is to prevent brush from interfering with vehicles traveling on the road. If the county is required to take action to control the brush because the owner fails to do so, the county will extend the costs as a special tax due on the landowner's real and personal property tax assessment and collected in the same manner as state and county taxes. Notice that must be provided to the landowner of these requirements can be given in writing using any mail service with delivery tracking. The county right-of-way or county maintenance easement will be deemed to extend 15 feet from the center of the county road or at a distance set forth in the original conveyance. The center of the road will be a point equidistant from both edges of the drivable ground of the road in its current condition. In the event a county is required to obtain a land survey to enforce these provisions, the costs of the survey will be divided equally between the county and the land owner (Section 263.245).

This provision is similar to SB 657 (2018);

(11) Extends an expiration date for certain petroleum product fees (Section 292.606).

This provision is similar to SB 961 (2018);

(12) Changes the definition of "local log truck" and "local log truck tractor" to allow the trucks to pull a trailer that has up to three axles (Section 301.010).

This provision is similar to HB 2286 (2018);

(13) Creates a registration system for autocycles as defined in the bill and exempts autocycle users from helmet requirements. Motorcycles are defined to require straddle seating and handlebar steering. New registration requirements for autocycles begins August 20, 2018 (Sections 301.010, 301.020, 301.055, 301.130, 301.350, and 304.005).

These provisions are similar to HB 1389 (2018);

(14) Includes individuals with hearing loss that impairs the capacity to discriminate ordinary speech in the class of persons eligible for a deaf or hard of hearing notation on their driver's license. The Missouri Commission for the Deaf and Hard of Hearing will make a video explaining the "DHH" notation and the right to receive it and the video will be posted in each driver's license office. The video is conducted in sign language and captioned in English. The Department of Revenue is allowed, but not mandated, to replace the "DHH" notation with the phrase "deaf or hard of hearing" on licenses (Section 302.174).

This provision is similar to HB 1572 (2018);

(15) Allows waiver of commercial driver's license knowledge and skills test for specified persons completing military or civilian tests of a similar nature. Motorcycle rider training courses may also be used to exempt an individual from specified driving test requirements. The Department of Revenue has discretion regarding waivers and new rules (Sections 302.170, 302.173, and 302.720);

(16) Allows the Kansas City Public Schools Board to contract with specified public entities for the transportation of high school children (Section 304.060);

(17) Creates a "Towing Task Force" with membership and leadership positions, duties and regulations specified in the bill. The task force will make recommendations to the General Assembly by March 1, 2020, concerning maximum towing rates for nonconsensual towing including storage fees, the investigation of overcharges for towing, processes for consumer complaints and civil penalties to use to enforce towing regulations, and relevant information to provide on invoices for nonconsensual towing operations. Other recommendations are also specified in the bill. These recommendations will apply to tows involving vehicles with a gross weight rating of 26,000 lbs. or more. The task force will expire on January 1, 2021 (Section 304.153).

This provision is similar to HB 2496 (2018);

(18) Allows the Missouri Highways and Transportation Commission to issue single-use, annual permits for small crane transportation and to set parameters for the transport of these cranes (Section 304.180).

This provision is similar to SB 683 (2018);

(19) Prohibits roadside safety inspections for certain commercial vehicles on highways with a speed limit in excess of 40 miles per hour (Section 304.180).

This provision of the bill does not apply to a person operating:

(a) An authorized emergency vehicle; or

(b) A moving motor vehicle while using a hand-held device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information between a transit or for-hire operator and that operator's dispatcher when the device is permanently affixed to the vehicle.

Additional exceptions for parked or stopped vehicles, law enforcement, fire department members, ambulance drivers are specified. The use of GPS systems and voice-operated technology to make phone calls is allowed as is the use of radio transmitters by those properly licensed under federal law. A violation of these provisions must be deemed an infraction and must be deemed a moving violation that is assessed points. Any city or county must have the authority to adopt ordinances or regulations that are equivalent to, but not more restrictive than, these provisions (Section 304.823).

This provision is similar to HB 1600 (2018);

(20) Changes distribution of certain taxes beginning July 1, 2019. The first \$1 million collected annually for certain vessel property taxes under Section 306.030 shall be deposited into the state General Revenue Fund. All fees collected under the provisions of this section in excess of \$1 million annually shall be deposited in the Water Patrol Division Fund and shall be used exclusively for the Water Patrol Division (Section 306.030).

This provision is similar to HB 1300 (2018);

(21) Exempts vessels in certain waterways not modified by impoundment from guard and railing requirements for such vessels (Section 306.126).

This provision is similar to HB 2116 (2018);

(22) Includes specified equipment related to emergency vehicles in the regulations allowing for fixed, flashing, and rotating lights. Conditions for the display of lights in work zones are specified in the bill as are rules for the use of white and amber lights by the Missouri Department of Transportation for vehicles it owns or leases or that are owned or leased by its contractors (Section 307.175);

(23) Establishes a task force of the General Assembly to be known as the "Task Force on the Petroleum Storage Tank Insurance Fund." Such task force shall be composed of eight members. Three members shall be from the House of Representatives with two appointed by the Speaker of the House of Representatives and one appointed by the Minority Floor Leader of the House of Representatives. Three members shall be from the Senate with two appointed by the President Pro Tempore of the Senate and one appointed by the Minority Floor Leader of the Senate. Two members shall be industry stakeholders with one appointed by the Speaker of the House of Representatives and one appointed by the President Pro Tempore of the Senate. No more than two members from either the House of Representatives or the Senate shall be from the same political party. A majority of the task force shall constitute a quorum. The task force shall conduct research and compile a report for delivery to the General Assembly by December 31, 2018, on topics specified in the bill. This section expires on December 31, 2018 (Section 319.129); and

(24) Allows the Director of the Missouri Department of Agriculture to waive certain testing standards for fuel in emergency situations so long as the waiver applies equally and uniformly to suppliers and distributors (Section 414.032).

PROPOSERS: Supporters say that the bill contains many non-controversial provisions vetted in previous years. Commercial vehicle inspection should not be done at roadside for safety reasons. Waiver of fuel restrictions during emergency situations is reasonable.

Testifying for the bill were Senator Schatz; Missouri Petroleum Council; Missouri Trucking Association; Missouri Cattleman's Association & Missouri Forest Product Association; Missouri Dump Truck Association; Kansas City Public Schools; Missouri Petroleum Marketers and Convenience Store Association; Missouri-Kansas-Nebraska Conference of Teamsters; and the Owner Operator Independent Drivers Association.

OPPOSERS: Those who oppose the bill say that they oppose changes

to the texting and driving laws. The police association would prefer to retain the right to pull over commercial vehicles at roadsides for inspections.

Testifying against the bill were the AAA Auto Club of Missouri and the St Louis County Police Officers Association.

OTHERS: Others testifying on the bill say they do not favor changes to the texting and driving provisions. It is possible that the commercial vehicle provision results in a loss of federal funds. Currently, almost 80,000 inspections are performed each year on commercial vehicles.

Testifying on the bill were Lisa LeMaster, Missouri Department of Transportation and Colonel Sandra Karsten, State Highway Patrol.