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*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

July 9, 2021

TO THE SECRETARY OF STATE  
OF THE STATE OF MISSOURI  
101st GENERAL ASSEMBLY  
FIRST REGULAR SESSION

Herewith I return to you Senate Substitute 2 for House Bill 661, entitled:

AN ACT

To repeal sections 21.795, 142.869, 300.010, 301.010, 301.062, 301.131, 301.147, 301.192, 301.280, 301.558, 302.010, 302.755, 303.020, 303.025, 303.041, 304.001, 304.050, 304.153, 304.180, 304.240, 307.025, 307.128, 307.180, 307.188, 307.193, 307.350, 307.380, 365.020, 385.220, 385.320, 407.300, 407.526, 407.536, 407.556, 407.560, 407.815, 407.1025, 570.030, 578.120, 643.310, and 643.315, RSMo, and to enact in lieu thereof fifty-six new sections relating to transportation, with penalty provisions, and a delayed effective date for a certain section.

I disapprove of Senate Substitute 2 for House Bill 661. My reasons for disapproval are as follows:

While I recognize and applaud the General Assembly in their effort to improve the laws governing transportation, I cannot approve this bill as presented to me.

Section 21.795 would allow the Joint Committee on Transportation to regulate towing rates, investigate towing complaints, and regulate how law enforcement agencies determine towing rotations for commercial vehicles. This proposal is legally problematic for several reasons. First, this section over-regulates rates and practices in an open market that are already legally addressed under the Missouri Merchandising Practices Act and state tort law. RSMo. ch. 407; ch. 537. Second, the Committee's potential to prevent towing companies from doing business would create separation of powers and attainder problems beyond the constitutional authority granted to the General Assembly. MO. CONST. art. II, § 1; art. III, §§ 36–53. Third, this section is void for vagueness because it does not establish sufficient due process protections for towing companies. MO. CONST. art. I, § 10. As a practical matter, the Committee cannot legally function as this proposal suggests.

Section 227.101 would require the Missouri Department of Transportation to publish the Department's cost estimate for any construction, maintenance, or repair work on the state highway systems at the time of the bidding on a contract for the work first closes. The Department of Transportation currently publishes its cost estimates and completion dates online pursuant to federal regulation in 23 CFR 450.218. This bill, however, would require publication of engineer's estimates, which are strictly confidential. Publishing engineer's estimates may result in fixed prices substantially above the prices currently paid by the state, and result in bid rigging and bidder collusion. This outcome endangers not only our state revenue, but also the future of our infrastructure as a whole. This provision creates adverse consequences for the taxpayers of Missouri.

Section 643.010 would exclude Franklin, Jefferson, and St. Charles counties from mandated motor vehicle emission inspections performed to comply with the federal Clean Air Act. By exempting such noncompliant counties, Missouri would violate the federal Clean Air Act and would lose significant funding for certain highway projects and grants in the St. Louis area in the amount of \$52 million annually. Further, the Missouri Department of Natural Resources has already submitted a plan to the Environmental Protection Agency requesting approval to remove the vehicle inspection program from Franklin and Jefferson Counties. At this time, the plan is still being reviewed. The Department is continuing to review options to scale back the requirements of the vehicle inspection program to reduce the burden on citizens while avoiding detrimental impacts to transportation funding. My administration has repeatedly expressed its support of Missouri's transportation infrastructure and related funding. House Bill 661 undermines those efforts and the state's ability to provide reliable transportation infrastructure into the future.

There are many provisions contained within this bill of which I approve. Fortunately, many of those provisions also appear in Senate Bill 176 and House Bill 271, which I have signed, as well as other legislation I support. I hope to work with the General Assembly next session to continue addressing transportation issues facing the state without jeopardizing the state's highway funds.

In accordance with the above stated reasons for disapproval, I am returning Senate Substitute 2 for House Bill 661 without my approval.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Michael L. Parson", is written in a cursive style.

Michael L. Parson  
Governor