

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2741, Page 1, Section 302.733, Lines
2 6-7, by deleting said lines and inserting in lieu thereof the following:

3
4 "(4) Make entries on reports and records.

5
6 Such requirements shall be interpreted consistently with the applicable federal motor carrier
7 safety regulations.

8 2. A person commits the offense of operating a commercial motor vehicle"; and

9
10 Further amend said bill, page, and section, Line 13, by deleting the words "offense and" and
11 inserting in lieu thereof the word "offense,"; and

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13 Further amend said bill, page, and section, Line 14, by inserting after the word "second" the
14 words "offense, and a class D felony for a third"; and

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16 Further amend said bill, Page 4, Section 302.735, Line 90, by inserting after the word "or" the
17 word "nondomiciled"; and

18
19 Further amend said bill and section, Page 5, Line 113, by inserting after all of said line the
20 following:

21
22 "(9) Nothing in this subsection shall be construed to require state or local law
23 enforcement officers to independently determine immigration status beyond verification of
24 compliance with applicable federal commercial motor vehicle regulations."; and

25
26 Further amend said bill, page, and section, Line 116, by inserting after all of said section and line
27 the following:

28
29 "302.738. 1. Any person operating a commercial motor vehicle within this state shall be
30 authorized under applicable federal law to engage in employment as a commercial motor vehicle
31 operator within the United States.

Action Taken _____ Date _____

1 2. A person commits the offense of unlawful commercial motor vehicle operation if he
2 or she operates a commercial motor vehicle within this state while not authorized under
3 applicable federal law to engage in employment as a commercial motor vehicle operator within
4 the United States.

5 3. The offense of unlawful commercial motor vehicle operation is a class D
6 misdemeanor for a first offense, a class B misdemeanor for a second offense, and a class D
7 felony for a third or subsequent offense.

8 4. Notwithstanding the provisions of subsection 3 of this section, any violation of this
9 section that is discovered after a major violation of traffic law shall be punishable as a class D
10 felony. For purposes of this subsection, "major violation of traffic law" means a violation of
11 traffic law that presents predictable harm or is inherently dangerous. Such violations shall
12 include, but not be limited to, driving while in an intoxicated condition, under the influence of
13 controlled substances or drugs, or with an excessive blood alcohol content; exceeding the speed
14 limit by more than nineteen miles per hour; performing a u-turn on a designated one-way street;
15 any violation occurring within a construction zone or school zone; and driving in the wrong
16 direction on a highway.

17 5. Upon a violation of this section, the operator shall be placed out of service until
18 compliance with federal law is demonstrated.

19 6. Nothing in this section shall be construed to require state or local law enforcement
20 officers to independently determine immigration status beyond verification of compliance with
21 applicable federal commercial motor vehicle regulations.

22 302.739. 1. Any commercial motor carrier operating within this state shall have an
23 affirmative duty to ensure that each driver operating under its authority within this state is
24 authorized under applicable federal law to engage in employment as a commercial motor vehicle
25 operator within the United States.

26 2. A commercial motor carrier that permits or dispatches a driver to operate a
27 commercial motor vehicle within this state in violation of section 302.738 shall be subject to a
28 civil penalty of not less than fifteen thousand dollars per violation.

29 3. If a violation of subsection 2 of this section results in serious physical injury to
30 another person, the commercial motor carrier shall be subject to a civil penalty of not less than
31 twenty-five thousand dollars per violation.

32 4. If a violation of subsection 2 of this section results in the death of another person, the
33 commercial motor carrier shall be subject to a civil penalty of not less than fifty thousand dollars
34 per violation.

35 5. Upon a second violation within a five-year period, the appropriate state agency may
36 suspend the commercial motor carrier's authority to operate within this state for a period not to
37 exceed one year.

1 6. Upon a third violation within a five-year period, the commercial motor carrier's
2 authority to operate within this state may be revoked.

3 7. A commercial motor carrier that has been assessed a fine or prohibition under this
4 section shall remain liable for such fine or prohibition regardless of any change in business
5 name, structure, ownership, or formation of a new entity. Any successor entity with substantial
6 continuity of ownership, management, officers, directors, or operations with the violating carrier
7 shall be jointly and severally liable for the unpaid fine and subject to the same prohibitions and
8 out-of-service requirements. The department of transportation shall not issue, renew, or transfer
9 any commercial vehicle registration, authority, or license to any such successor entity until all
10 finances are paid in full and compliance with this section is achieved. For purposes of this
11 subsection, "commercial motor carrier" includes any entity using the same or affiliated United
12 States Department of Transportation number or motor carrier number as the violating carrier.

13 8. Nothing in this section shall be construed to require state or local law enforcement
14 officers to independently determine immigration status beyond verification of compliance with
15 applicable federal commercial motor vehicle regulations."; and

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.