

FIRST REGULAR SESSION

# HOUSE BILL NO. 614

91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RIZZO.

Read 1<sup>st</sup> time February 1, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1650L.011

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## AN ACT

To repeal section 390.020, RSMo 2000, relating to vehicular commerce, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 390.020, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 390.020, to read as follows:

390.020. As used in this chapter, unless the context clearly requires otherwise, the words and terms mean:

(1) "Agricultural commodities in bulk", commodities conforming to the meaning of "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural or forest products or any other products which are grown or produced on a farm or in a forest, and which have not undergone processing at any time since movement from the farm or forest, or processed or unprocessed grain, feed, feed ingredients, or forest products;

(2) "Certificate", a written document authorizing a common carrier to engage in intrastate commerce and issued under the provisions of this chapter;

(3) "Charter service", the transportation of a group of persons who, pursuant to a common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group from a point of origin to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin;

(4) "Commercial zone", unless otherwise increased pursuant to the provisions of subdivision (4) of section 390.041, any municipality within this state together with that territory

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 either within or without the state of Missouri, extending one mile beyond the corporate limits of  
18 such municipality and one additional mile for each fifty thousand inhabitants or portion thereof;  
19 however, any commercial zone of a city not within a county shall extend eighteen miles beyond  
20 that city's corporate limits and shall also extend throughout any first class charter county which  
21 adjoins that zone;

22 (5) "Commodities in bulk", commodities, which are fungible, flowable, capable of being  
23 poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are  
24 weighed or measured by volume and which conform to the shape of the vehicle transporting  
25 them;

26 (6) "Common carrier", any person which holds itself out to the general public to engage  
27 in the transportation by motor vehicle of passengers or property for hire or compensation upon  
28 the public highways and airlines engaged in intrastate commerce;

29 (7) "Contract carrier", any person under individual contracts or agreements which engage  
30 in transportation by motor vehicles of passenger or property for hire or compensation upon the  
31 public highways;

32 (8) "Corporate family", a group of corporations consisting of a parent corporation and  
33 all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent  
34 interest;

35 (9) "Division", the division of motor carrier and railroad safety of the department of  
36 economic development;

37 (10) "Driveaway operator", any motor carrier who moves any commercial motor vehicle  
38 or assembled automobile singly under its own power or in any other combination of two or more  
39 vehicles under the power of one of said vehicles upon any public highway for the purpose of  
40 delivery for sale or for delivery either before or after sale;

41 (11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers  
42 commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by  
43 tipping or opening the body in such a manner that the load is ejected or dumped by gravity but  
44 does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of  
45 an auger, conveyor belt, air pressure, pump or other mechanical means;

46 (12) "Household goods", personal effects and property used or to be used in a dwelling  
47 when a part of the equipment or supply of such dwelling; new or used furniture; store or office  
48 furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and  
49 articles, which because of their unusual nature or value require specialized handling and  
50 equipment usually employed in moving household goods;

51 (13) "Interstate commerce", commerce between a point in this state and a point outside  
52 this state, or between points outside this state when such commerce moves through this state

53 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly  
54 by any other regulated means of transportation where the commodity does not come to rest or  
55 change its identity during the movement;

56 (14) "Intrastate commerce", commerce moving wholly between points within this state,  
57 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly  
58 by any other means of transportation;

59 (15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle  
60 when not restricted to any specific route or routes within the area the motor carrier is authorized  
61 to serve;

62 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being  
63 transported on the motor vehicle at one time;

64 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and  
65 any other transportable building unit designed to be used for residential, commercial, industrial  
66 or recreational purposes, including special equipment, wheels, tires, axles, springs, racks,  
67 undercarriages and undersupports used or useful in connection with the transportation of mobile  
68 homes when transported as part of the transportation of mobile homes;

69 (18) "Motor carrier", any person engaged in the transportation of property or passengers,  
70 or both, for compensation or hire, over the public roads of this state by motor vehicle. The term  
71 includes both common and contract carriers;

72 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus  
73 or any self-propelled vehicle used upon the highways of the state in the transportation of property  
74 or passengers;

75 (20) "Party", any person admitted as a party to a division proceeding or seeking and  
76 entitled as a matter of right to admission to a division proceeding;

77 (21) "Permit", a permit issued under the provisions of this chapter to a contract carrier  
78 to engage in intrastate or interstate commerce or to a common carrier to engage in interstate  
79 commerce;

80 (22) "Person", any individual or other legal entity, whether such entity is a  
81 proprietorship, partnership, corporation, company, association or joint-stock association,  
82 including the partners, officers, employees, and agents of the person, as well as any trustees,  
83 assignees, receivers, or personal representatives of the person;

84 (23) "Private carrier", any person engaged in the transportation of property or passengers  
85 by motor vehicle upon public highways, but not as a common or contract carrier by motor  
86 vehicle; and includes any person who transports property by motor vehicle where such  
87 transportation is incidental to or in furtherance of his commercial enterprises;

88 (24) "Public highway", every public street, road, highway or thoroughfare of any kind

89 used by the public, whether actually dedicated to the public;

90 (25) "Regular route", a specific and determined course to be traveled by a motor carrier's  
91 vehicle rendering service to, from or between various points or localities in this state;

92 (26) "School bus", any motor vehicle while being used solely to transport students to or  
93 from school or to transport students to or from any place for educational purposes or school  
94 purposes;

95 (27) "Taxicab", any motor vehicle performing a bona fide for hire taxicab service having  
96 a capacity of not more than [five] **six** passengers, exclusive of the driver, and not operated on a  
97 regular route or between fixed termini;

98 (28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one  
99 consignee for delivery at the direction of the consignor or consignee with the lot or lots being the  
100 only lot or lots transported on the motor vehicle at any one time.