

CCS SS SCS HB 327 -- TRANSPORTATION

(Vetoed by the Governor)

This bill makes numerous changes relating to transportation.

EMINENT DOMAIN

The bill requires that when the Highways and Transportation Commission takes property by eminent domain, the loss of access to a highway must be taken into consideration when determining damages. This provision has an emergency clause.

SALES TAX EXEMPTION ON STATE TRANSPORTATION PROJECTS

The bill exempts contractors from paying sales tax on materials used in Department of Transportation projects. This portion of the bill has an effective date of July 1, 2005.

MISSOURI EMERGENCY RESPONSE COMMISSION

The bill makes the Director of the Department of Transportation a member of the Missouri Emergency Response Commission in place of the Director of the Department of Economic Development.

TRUCKS IN LEFT-HAND LANES

The bill prohibits trucks in excess of 48,000 pounds from being driven in the far left-hand lane on urban interstate highways, freeways, or expressways having three or more lanes of traffic proceeding in the same direction, with certain exceptions.

COMMERCIAL MOTOR CARRIERS

The bill adds the federal definition of "gross combination weight rating" and "gross vehicle weight rating" to Section 302.700, RSMo. The bill also modifies two provisions of Missouri law pertaining to hazardous materials carriers to make them consistent with Federal Motor Carrier Safety Administration regulations.

Under the bill, courts must forward to the Department of Revenue, within seven days, a record of any guilty conviction involving a moving traffic violation. The department director will be required to enter any conviction information into the appropriate computer systems and transmit the conviction information as required by federal requirements.

Commercial driver's license holders will not be allowed limited driving privileges for the purpose of operating a commercial

motor vehicle if their driving privileges are suspended, revoked, canceled, denied, or disqualified.

The bill modifies the definition of "serious traffic violation" to include driving a commercial motor vehicle:

- (1) Without a commercial driver's license;
- (2) Without a commercial driver's license in possession; and
- (3) Without the proper commercial driver's license class or endorsement.

Applicants for a commercial driver's license must disclose the names of all states which have issued them a commercial driver's license during the previous 10-year period. The department director is required before the initial issuance of a commercial driver's license and for the first renewal to obtain driving record information from any state licensing system in which the person has been issued a license. A commercial driver's record must contain a complete history of the driver, including information and convictions from previous states of licensure.

The Director of the Department of Revenue is required to adopt the federal requirements for record keeping. This provision has an effective date of September 30, 2005.

No federal, state, county, municipal, or local court can defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses or is required to possess a commercial driver's license to enter into a diversion program that will prevent a conviction for any violation of any traffic law from appearing on the driver's record maintained by the director. This provision has an effective date of September 30, 2005.

The director is required to disqualify any driver the United States Secretary of Transportation has determined to constitute an imminent hazard. A person will be disqualified from operating a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

- (1) Driving any motor vehicle under the influence of alcohol or a controlled substance;
- (2) Driving a commercial motor vehicle which causes a fatality due to negligent operation of the vehicle;
- (3) Leaving the scene of an accident involving any type of vehicle; or

(4) Using any type of vehicle in the commission of a felony.

Any driver who violates an out-of-service order is subject to a civil penalty not to exceed an amount as determined by the United States Secretary of Transportation.

Individuals who operate a school bus must meet the requirements for and be issued a school bus endorsement as required by the United States Secretary of Transportation. This provision has an effective date of September 30, 2005.

#### LOW-SPEED VEHICLES

Low-speed vehicle operators will be allowed to use public highways under certain conditions. A low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards. A low-speed vehicle will not be operated on a street or highway with a posted speed limit greater than 35 miles per hour. Low-speed vehicles will be exempt from inspection and emission testing, but must comply with federal standards. Every operator of a low-speed vehicle must maintain financial responsibility as required under the law and must have a driver's license. Cities and counties may promulgate ordinances which are more stringent.

#### TOWING PROVISIONS

The bill repeals a doubly-enacted section regarding the towing of motor vehicles from private property. The bill also provides that tow trucks will be considered an emergency vehicle after arriving at the scene of an accident.

#### PERSISTENT AND PRIOR OFFENDERS

The bill makes it clear that drivers charged with alcohol-related offenses will be ineligible for a suspended imposition of sentence whether the drivers are in municipal court or state court.

#### TOTAL TRANSPORTATION DISTRICTS

Under the bill, property separated by easements or rights-of-way will be considered contiguous for transportation development district purposes. Districts formed by property owners need not contain contiguous properties if:

(1) The petition provides that the sole funding method is a sales tax;

(2) A court finds that all the property within the proposed district will benefit district projects; and

(3) Each parcel within the district is within five miles of every other parcel.

As an alternative method for forming a transportation development district, the bill allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a district. The proposed district area must be contiguous and may contain all or any portion of a county or city. The bill outlines the requirements of the petition.

The bill allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The district may impose a funding mechanism other than a sales tax if approved by the voters within the district.

#### POINTS FOR YOUNGER DRIVERS

Persons under the age of 18 who are convicted of exceeding the posted speed limit by 20 miles per hour or more will be assessed eight points for the first conviction and 12 points for the second or subsequent conviction.

#### SCHOOL BUS PERMITS

Applicants for school bus permits must submit two sets of fingerprints beginning January 1, 2004. One set of fingerprints will be used by the State Highway Patrol in order to search the criminal history repository, and the other set will be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. The applicant will pay the appropriate fees for the searches. The bill removes the Department of Social Services from the school bus permit process.

#### RAILROAD CROSSINGS

Whenever an authority legally closes or vacates a road which has a railroad crossing, the Highways and Transportation Commission will issue an order authorizing removal of the crossing within 30 days.

#### COMMERCIAL MOTOR VEHICLES AT RAILROAD CROSSINGS

The bill requires operators of commercial motor vehicles, other than those required to stop by law, to approach a railroad grade crossing at a rate of speed which will permit the vehicle to stop before reaching the nearest rail or crossing and not drive upon

or over a crossing until due caution has been taken to ascertain that the course is clear.

#### ROAD SIGNS

The bill allows regionally accredited post-secondary educational facilities to be eligible for tourist directional and travel information signs.

#### WORK ZONES

The bill requires work zone warning signs to not be visible during any time in which workers are not present for four hours or more. Current law provides that warning signs will not be visible if workers are not present for two hours or more.

#### SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM

The bill modifies various provision relating to the Substance Abuse Traffic Offender Program (SATOP). The bill requires that some of the moneys deposited in the Health Initiatives Fund be used for the administration of the program. Enrollees in the program must pay a supplemental fee as determined by the Department of Mental Health in addition to a required fee. Under current law, the supplemental fee is \$60. Any administrator of a program who fails to remit supplemental fees and interest on any unpaid supplemental fee balance to the Division of Alcohol and Drug Abuse will be subject to a penalty or legal action by the Attorney General. This part of the bill contains an emergency clause.

#### ANIMAL-DRIVEN VEHICLES

Persons operating animal-driven vehicles after dark must use lamps or lanterns and reflective material which comply with rules promulgated by the Department of Public Safety.

#### VEHICLE-RELATED FEES AND FINES

The bill allows any city and first classification charter counties (Jackson, St. Charles, and St. Louis) to enact ordinances to include outstanding vehicle-related fees and fines on bills issued for personal property taxes. Vehicle-related fees include traffic violation fines, parking violation fines, towing fees, and late payment penalties. Currently, cities have authority to enact ordinances to collect parking fines on personal property tax bills. The bill also allows cities and counties to establish intergovernmental revenue collection agreements to collect vehicle-related fees and fines.

The Director of the Department of Revenue is required to deny motor vehicle registration applications and to suspend current motor vehicle registration for persons who owe vehicle-related fees or fines to the City of St. Louis and have not initiated a process for the adjudication of those fees or fines. The bill specifies procedures for denial and suspension of registration.

#### DRIVEAWAY OPERATIONS

The bill modifies the definition of "driveaway operation" to include the transporting of vehicles in transit from one place to another by driveaway or towaway methods. The bill provides that driveaway license plates may only be used for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, abandoned, improperly parked, or burned vehicles. The bill extends the area for certain land improvement contractors' commercial motor vehicles from 25 miles to 50 miles.

#### MEMORIAL HIGHWAY

The bill designates the portion of U. S. Highway 71 in McDonald County as the "Corporal Bobbie J. Harper Memorial Highway."

#### AIRBAGS

The bill makes it a class D felony to install an airbag that does not comply with federal standards or an airbag which has previously been installed in another motor vehicle without disclosing that fact.

#### ALL-TERRAIN VEHICLES

The bill modifies the definition of "all-terrain vehicle" (ATV) by increasing the unladen dry weight of an ATV from 600 pounds to 1,000 pounds and by providing that an ATV may be a vehicle with a seat designed to carry more than one person.