

HCS#2 SCS SB 480 -- TRANSPORTATION

SPONSOR: Stouffer (Riddle)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 11 to 0.

This substitute change the laws regarding transportation. In its main provisions, the substitute:

(1) Requires a person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of facilities and conveyances of the Bi-State Development Agency to reimburse, in addition to the unpaid fare or charges and any fines, penalties, or sentences imposed by law, the costs attributable to the enforcement, investigation, and prosecution of the offense by the agency. The court must direct the reimbursement proceeds to the appropriate agency official;

(2) Increases the fee for processing a title transfer of a motor vehicle from \$2.50 to \$5.00;

(3) Repeals a sales tax exemption currently granted for the purchase of materials, replacement parts, and equipment used on motor vehicles engaged as common carriers;

(4) Authorizes a sales tax exemption for a motor vehicle registered in excess of 54,000 pounds, and the trailer pulled by the motor vehicle, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight. The exemption also includes the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or the manufacture of the vehicle;

(5) Designates the portions of Interstate 70 and Interstate 44 within the state of Missouri as the "Purple Heart Trail";

(6) Exempts all highway route controlled quantity shipments of spent nuclear fuel or low-level radioactive waste from the fee for transporting radioactive waste. Currently, only shipments of 30 miles or less within the state are exempt. The substitute specifies that all vehicles and carriers transporting highway route controlled quantities of radioactive material are regulated by the United States Department of Transportation and required to

pass the specified federal inspection and if it passed the federal inspection, the shipment cannot be subject to an additional inspection unless the inspection is necessary at the discretion of state safety resources;

(7) Revises the definition of "recreational off-highway vehicle" by increasing the width of a vehicle from 60 inches to 64 inches and the unladen dry weight of the vehicle from 1,850 pounds to 2,000 pounds and repealing the requirement that it have a nonstraddle seat and a steering wheel;

(8) Changes the laws regarding driving while intoxicated by:

(a) Specifying that any person whose license is suspended due to a first conviction of driving while intoxicated or driving with blood alcohol content of .08 or more will not have his or her driver's license suspended if he or she agrees to equip his or her vehicle with an ignition interlock device, but instead will have a 90-day period of restricted driving privilege;

(b) Requiring any person who has a driver's license suspended for the refusal upon the request of law enforcement to submit to a test for blood alcohol content to have an ignition interlock device installed on all motor vehicles operated by the person for a period of not less than one year. The court must require any person who is found guilty or pleads guilty to an intoxication-related traffic offense to not operate any motor vehicle unless equipped with ignition interlock device for a period of not less than 90 days if convicted of a first intoxication-related traffic offense, not less than one year if convicted of a second, not less than five years if convicted of a third or fourth, and for the duration of the person's life if convicted of a fifth. A person convicted of his or her fifth intoxication-related traffic offense is eligible to have his or her restriction reviewed by the department after operating a motor vehicle equipped with an ignition interlock device in full compliance for five years. Any ignition interlock device required by these provisions to have photo identification technology and global positioning system features; and

(c) Requiring the Department of Revenue to issue a special driver's license to any person required to use an ignition interlock device that signifies that the driver must not operate a vehicle that does not contain a device. Costs associated with

issuing the special license or reissuing the person's regular driver's license, upon completion of the restricted driving period, are to be paid by the individual, but are not to exceed \$50. Any person required to have this special license must have it for the duration of the restricted driving period and until the person maintains a period of 90 days without the ignition interlock device registering a level of alcohol above the level set by the department and without any reports of tampering or circumventing the device. If a violation occurs, the restricted driving period must be extended for an additional 90 days;

(9) Changes the laws regarding commercial driver's licenses by:

(a) Specifying that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have a suspension for failure to appear removed from his or her driving record. Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record;

(b) Specifying that a person will be disqualified for a commercial driver's license for any withdrawal of his or her privilege to drive a commercial vehicle by the countries of Canada or Mexico as the result of certain specified motor vehicle violations;

(c) Requiring an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is a driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate, a driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate, a driver operating only in intrastate commerce and is subject to Missouri driver qualifications, or a driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver

qualification requirements;

(d) Specifying that an applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The substitute specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification; and

(10) Requires that the "Year Manufactured" on an outboard motor title reflect the year a dealer purchased it from the manufacturer or if it is purchased on or after July 1 of any year, to reflect the following year unless the manufacturer indicates a specific model or program year.

The provision of the substitute regarding commercial driver license medical certifications will become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Unknown in FY 2013, FY 2014, and FY 2105. Estimated Net Cost on Other State Funds of More than \$100,000 to Unknown in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill provides a sales tax exemption for materials, replacement parts, and equipment purchased for the use on motor vehicles used by motor carriers in the transportation of persons or property. The current sales tax exemption only applies to motor vehicles that are engaged as common carriers of persons or property. The bill provides an exemption from state and local sales and use taxes for motor vehicles licensed for a gross weight of 24,000 pounds or more or trailers used by motor carriers in the transportation of persons or property. The current sales tax exemption only applies to motor vehicle and trailers used by common carriers. The bill modifies the definition of "common carrier" by removing the qualification that it must hold itself out to the general public to engage in the transportation of passengers or property. The bill will promote business in Missouri.

Testifying for the bill were Senator Stouffer; Missouri Trucking Association; John Bardgett, Steris Corporation; Associated Industries of Missouri; and Taxpayers Research Institute of Missouri.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that it will eliminate current ambiguity.

Testifying on the bill was Department of Revenue.