

CCS HCS#2 SCS SB 480 -- TRANSPORTATION

This bill changes the laws regarding transportation.

DISTRIBUTION AND USE OF TAXES FOR ROAD AND BRIDGE PURPOSES  
(Sections 67.548, 67.1421, 67.1422, and 67.1561, RSMo)

The bill authorizes the county commission in Platte and Clay counties to enter into agreements with cities, towns, villages, and special road districts organized under Chapter 233 for the purpose of working cooperatively on the roads and bridges located in the county, including the distribution of county funds to the entities in addition to its share of the county's special road and bridge levy, if any, that is annually considered by the commission. If the special road and bridge levy is not set at a level of at least 14 cents on each \$100 assessed valuation, the commission must allocate additional funds from any available county source in an amount that will, when combined with the special road and bridge levy revenues, allow it to distribute funds equal to the funding level of at least 14 cents on each \$100 assessed valuation. If at least 50% of a special road district is located in a city, town, or village, that entity must be entitled to receive the special road district's portion of any funds not paid through the special road and bridge levy.

The bill changes the laws regarding the Missouri Community Improvement District Act by allowing the governing body of Kansas City to establish a community improvement district in Clay County by filing a petition if the only funding method for the services and improvements will be a real property tax. In order for Kansas City to create a community improvement district, its governing body must call for an election after it holds a public hearing. The issue of creating the community improvement district and its funding method must be submitted to the qualified voters of the proposed district.

BI-STATE DEVELOPMENT AGENCY FARES (Section 70.441)

Any person who is convicted or who pleads guilty or nolo contendere for failing to pay the proper fare, fee, or other charge for the use of Bi-State Development Agency facilities and conveyances may also be required to reimburse 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.

SALES TAX EXEMPTION FOR CERTAIN VEHICLES (Section 144.030)

The bill 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 is actually used in the normal course of business to haul property on the public highways of the state and is capable of hauling loads commensurate with the motor vehicle's registered weight. The sales tax exemption also includes the materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance or manufacture of the vehicle.

#### HIGHWAY DESIGNATIONS (Sections 227.509, 227.510, and 227.513)

The bill designates:

- (1) A portion of State Highway 64/State Highway 40 in St. Charles County as the "Darrell B. Roegner Memorial Highway";
- (2) A portion of Interstate 29 in Platte County as the "Trooper Fred F. Guthrie Jr. Memorial Highway"; and
- (3) The portions of Interstate 70 and Interstate 44 in the state of Missouri as the "Purple Heart Trail."

The costs for the designations must be paid for by private donations.

#### TRANSPORTATION OF RADIOACTIVE WASTE (Section 260.392)

The method by which fees for transporting radioactive waste by truck are assessed is revised. Currently, a fee of \$1,800 is charged for each cask transported through or within the state by truck of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments, and all casks are subject to a surcharge of \$25 per mile for every mile over 200 miles traveled within the state. The bill assesses the fee and surcharge based on each truck rather than on each cask.

#### RECREATIONAL OFF-HIGHWAY VEHICLES (Sections 301.010 and 304.033)

The bill:

- (1) Revises the definition of "recreational off-highway vehicle" by increasing the maximum width of a recreational off-highway vehicle from 60 inches to 64 inches and the maximum unladen dry weight of a vehicle from 1,850 pounds to 2,000 pounds;
- (2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:
  - (a) Vehicles owned and operated by a governmental entity for official use;

(b) Vehicles operated for agricultural purposes or industrial on-premises purposes;

(c) Vehicles operated within three miles of the operator's primary residence. This provision does not authorize the operation in a municipality unless it is authorized by the municipality;

(d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads; and

(e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;

(3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river with the exception of an operator who owns the property, has permission to be on the property through which the waterway flows, or is fording it at a road crossing; and

(4) Requires a person operating a recreational off-highway vehicle on a highway under these provisions to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, and to wear a seat belt and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

SPECIAL LICENSE PLATES (Sections 301.449, 301.3150, 301.4036, 301.4040, and Section 1)

The bill:

(1) Specifies that only a community college or four-year institution of higher education in Missouri or a foundation or organization representing the Missouri college or institution may itself authorize or may by the Director of the Department of Revenue be authorized to use the school's official emblem to be affixed on a personalized license plate. Currently, any community college or four-year institution of higher education in Missouri may authorize the use of the school's official emblem on a personalized license plate. An organization seeking a collegiate specialty license plate must apply directly to the Joint Committee on Transportation Oversight instead of petitioning the Department of Revenue. An application to the department director for a proposed specialty license plate, except for a military or collegiate plate, must have a

legislative sponsor in the same legislative session in which the application is reviewed;

(2) Changes the laws regarding the "CASS COUNTY - THE BURNT DISTRICT" special license plate. Currently, the distribution of the required \$25 annual contribution to the Cass County collector for the emblem use authorization must be 80% to public safety and 20% to the Cass County parks and recreation department. The bill changes the distribution to 70% to public safety, 15% to the Cass County Historical Society, and 15% to the Cass County parks and recreation department. The bill specifies that, prior to the issuance of the specialty personalized plate, the Department of Revenue must be in receipt of an application as prescribed by the department director and accompanied by a list of at least 200 potential applicants, the proposed art design for the specialty plate, and an application fee not to exceed \$5,000. The plate cannot be redesigned unless the organization pays the department director in advance for all redesigned plate fees;

(3) Allows, under specified conditions, a member of the National Wild Turkey Federation to obtain a specialty license plate bearing the organization's name;

(4) Allows, under specified conditions, a person to obtain a specialty license plate bearing the emblem of the American Red Cross; and

(5) Allows, under specified conditions, a member of the National Rifle Association to obtain a specialty license plate bearing the organization's name.

IGNITION INTERLOCK DEVICES (Sections 302.060, 302.304, 302.309, and 302.525)

A person whose driving privilege has been denied for 10 years for three or more driving-while-intoxicated offenses or for five years for two intoxication-related traffic offenses within a five-year period must use an ignition interlock device that has photo identification technology and global positioning system features when his or her license is reinstated or whenever a limited driving privilege is granted. If, during the period of reinstatement, the monthly monitoring reports show that the ignition interlock device has registered any blood alcohol concentration readings above the alcohol setpoint established by the Department of Transportation or that the person has tampered with or circumvented the ignition interlock device, the person must maintain the device for an additional six months following the date of reinstatement.

Currently, a person who has been convicted of a first time

driving-while-intoxicated or blood-alcohol-content offense is assessed points and receives a license suspension of 30 days, followed by a 60-day restricted driving privilege. The bill specifies that a person who chooses to install an ignition interlock device must serve a 15-day suspension, followed by a 75-day period of restricted driving privilege. The person's license must be reinstated following the 75-day period if he or she is otherwise eligible by law. If the monthly monitoring reports show a violation during this 75-day restricted driving privilege, the person's license cannot be reinstated until the person completes an additional 75-day period of restricted driving privilege without any violations. The bill establishes similar requirements for a person whose driver's license has been suspended under the administrative process.

Currently, a person who has two or more driving-while-intoxicated or blood-alcohol-content convictions must have an ignition interlock device installed in order to have his or her driver's license reinstated. The ignition interlock device must be maintained on all motor vehicles operated by the person for a period of at least six months. If monthly monitoring reports show that during the period of reinstatement the ignition interlock device has registered blood alcohol concentration readings above the alcohol setpoint established by the department or that the person has tampered with or circumvented the device, an additional six months must be added to the period for which the person must maintain the device following the date of reinstatement.

Currently, a person with a five-year or 10-year license denial because of multiple driving-while-intoxicated or other intoxication-related traffic offenses may seek a limited driving privilege after serving two or three years of the license denial. The bill allows a person to seek a limited driving privilege after serving 45 days of the denial or disqualification period. A person who has had his or her license revoked for two alcohol-related enforcement contacts within five years is allowed to seek a limited driving privilege after completing the first 45 days of the one-year revocation. Currently, the person is not eligible for a limited driving privilege.

#### FAILURE TO APPEAR IN COURT (Section 302.341)

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. The bill specifies that if the individual was operating a commercial motor vehicle or was a holder of a commercial driver's license at the time of the offense, he or she will not be eligible to have his or her license returned and the suspension removed from his or her driving record.

UNIFORM COMMERCIAL DRIVER'S LICENSE ACT (Sections 302.700 and 302.768)

The bill requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the specified requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

(a) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets specified federal rules and is required to obtain a medical examiner's certificate;

(b) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law, is subject to Missouri driver qualifications, and is not required to obtain a medical examiner's certificate;

(c) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or

(d) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements.

An applicant for a commercial driver's license certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a medical examiner's certificate accompanied by a medical variance or waiver. The bill specifies the certification process. The state must retain the physical qualification document for at least three years beyond the date the certificate was issued. An applicant must provide an updated medical certificate or variance documents in order to maintain a certified status during the term of his or her license in order to retain commercial motor vehicle driving privileges. The Director of the Department of Revenue must post the medical examiner's certificate of information, medical variance if applicable, the applicant's self-certification, and certification status to the Missouri driver record within 10 days, and the information will become part of the Commercial Driver's License Information System driver record. 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.

#### MISSOURI AUTO INSURANCE PLAN (Section 303.200)

The provisions regarding the Missouri Auto Insurance Plan are revised so that an insurance company that opts out of servicing its share of high risk drivers must be assessed a fee. The plan must contract with an entity or entities to accept and service policies for any company that does not elect to accept and service applicants and policies. By October 1 of each year, a company that elects to accept and service applicants and policies for the next calendar year must notify the plan. A company that does not must pay a fee to the plan for providing the services based on the company's market share on the kinds of insurance offered by the plan.

#### USE OF MUNICIPAL STREETS (Section 304.120)

A municipality must allow at least one route, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. No ordinance can deny the use of commercial vehicles on all routes within the municipality.

#### OUTBOARD MOTOR TITLES (Section 306.532)

The bill requires, effective August 28, 2012, any outboard motor manufactured on or after July 1 of any year to be labeled "Year Manufactured" with the year immediately following the year manufactured unless the manufacturer indicates a specific model or program year.

#### COMMUNITY SERVICE REQUIREMENTS FOR PRIOR OR PERSISTENT OFFENDERS (Section 577.023)

Currently, a prior or persistent offender is allowed to participate in and successfully complete a driving-while-intoxicated court program in lieu of jail time or community service. Federal law, however, does not authorize a driving-while-intoxicated court program as an alternative to mandatory jail or community service. The bill allows a prior or persistent offender to avoid the minimum days of imprisonment by performing community service and completing a driving-while-intoxicated court program if the program is available. The driving-while-intoxicated court program or other treatment program must include the specified minimal period of community service under the supervision of the court.

The provisions of the bill regarding the commercial driver

medical certification become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first, and the provisions regarding ignition interlock devices become effective October 1, 2013.