

HCS HB 818 -- TRANSPORTATION

SPONSOR: Denison

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 8 to 0.

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

REIMBURSEMENT TO BI-STATE DEVELOPMENT AGENCY (Section 70.441, RSMo)

The substitute 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 reasonable 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.

HIGHWAYS AND TRANSPORTATION COMMISSION HEARINGS (Section 226.131)

The Highways and Transportation Commission is allowed to delegate to a designated hearing examiner or appeals board the authority to conduct hearings and render final decisions and orders on behalf of the commission in all contested case administrative hearings that are required by state or federal law.

MEMORIAL HIGHWAYS (Sections 227.424, 227.425, 227.429, and 227.430)

The substitute designates the following highways:

(1) The portion of Interstate 40/64 in St. Louis County from the Boone's Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the "Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway;

(2) The portion of Interstate 70 from the eastern city limits of Independence west to the Kansas state line as the "Truman/Eisenhower Presidential Highway." The designation is contingent upon the designation being made by the State of Kansas of the portion of Interstate 70 in Kansas from the Missouri state line west to Abilene, Kansas as the "Eisenhower/Truman Presidential Highway";

(3) The portion of State Highway 25 from U. S. Highway 412 to State Route U/State Route Z in the counties of Dunklin and Stoddard as the "Representative Otto Bean Jr. Memorial Highway"; and

(4) The portion of State Highway 30 from State Route NN north three miles to 1/10 of a mile southwest of old State Highway 30 in Jefferson County as the "SFC Wm. Brian Woods, Jr. Memorial Highway."

MOTOR VEHICLE DEALERS (Sections 301.010 - 301.572, 301.216, 301.280, 301.425, 301.559, 301.560, 301.562, 301.567, 301.570, and 301.572)

The substitute:

(1) Revises the definition of "recreational off-highway vehicle" as any motorized vehicle manufactured and used exclusively for off-highway use which is 64 inches or less in width. Currently, it is a vehicle that is 60 inches or less in width;

(2) Allows an owner of at least 50 fleet vehicles to apply for fleet license plates bearing the company name and logo upon the approval of the size and design by the Director of the Department of Revenue. Currently, any fleet owner can apply;

(3) Requires a driveaway license plate to only be used by the owners, corporate officers, or employees of the business to which the plate was issued;

(4) Requires certain specified information to be included in an application for a driveaway license plate and specifies that anyone who violates the provision will have his or her plate revoked. Anyone who knowingly uses a revoked driveaway license plate will be guilty of a class A misdemeanor;

(5) Specifies that a department investigator licensed as a peace officer by the Director of the Department of Public Safety must be deemed to be a peace officer within the state while acting in an investigation to enforce motor vehicle registration and licensing provisions and any provision regarding fees, licenses, or taxes administered by the Director of the Department of Revenue;

(6) Requires an owner of a public garage to keep a record of specified information on all motor vehicles accepted by the garage for five years instead of the current three years;

(7) Specifies that any person who knowingly makes a false statement or omission of a material fact in a monthly sales

report to the Department of Revenue will be guilty of a class A misdemeanor;

(8) Requires a person to surrender a certificate of ownership, a license plate or tab, or a Missouri nondriver identification card or driver's license if a peace officer or a representative from the department has probable cause to believe that it was obtained fraudulently. Anyone failing to surrender the item will be guilty of a class A misdemeanor;

(9) Authorizes the department director to issue a dealer's license valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload;

(10) Allows any law enforcement officer or agent of the department to seize and surrender to the department a license plate or certificate of number if he or she has probable cause to believe that it is being misused in violation of specified provisions of law;

(11) Requires the department director to order an agent or employee of the department or a law enforcement officer to secure possession of a dealer's license or distinctive number license plates of any licensee who has been suspended or revoked and neglects or fails to surrender the items. Anyone not surrendering the item will be guilty of a class A misdemeanor;

(12) Specifies that certain events or acts by the holder of any license deemed to present a clear and present danger to the public will be cause for the suspension or revocation of a license;

(13) Specifies the administrative procedure and notice requirements for the suspension or revocation of a license;

(14) Specifies that any person, partnership, corporation, company, or association with certain exceptions who violates the provision prohibiting the sale of six or more vehicles in a year will be guilty of a class D felony for a subsequent violation; and

(15) Authorizes a criminal investigator of the department who has received a concealed carry endorsement to carry a firearm at all times.

VAN ACCESSIBLE PARKING SPACES (Section 301.143)

A political subdivision or the owner of a private property parking lot is required, when restriping an existing lot or

constructing a new parking lot, to designate one out of every four spaces as accessible, with at least one having an access aisle which is a minimum of 96 inches wide and designated "lift van accessible only" with signs that comply with the federal Americans with Disabilities Act.

SPECIAL LICENSE PLATE (Section 301.483)

The substitute allows for a special license plate for a member of the International Conference of Police Chaplains who has completed the requirements for basic certification as a police chaplain.

To obtain the plate, a person must submit an application to the Director of the Department of Revenue accompanied by an affidavit stating his or her identification and certification along with an additional \$15 fee. Any person who is lawfully in possession of these plates and resigns, is removed, terminates, or is terminated from the international conference must return the plates to the department director within 15 days.

SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSES (Section 301.580)

The Department of Revenue is allowed to issue a special event motor vehicle auction license to an applicant for the purpose of auctioning motor vehicles if at least 90% of the vehicles are at least 10 years old or older and the licensee auctions no more than 3% of the total vehicles presented for auction. Auctions can be held for no more than three consecutive days, and no more than two times in a calendar year by the same licensee. A report must be sent to the department director within 10 days of the conclusion of the auction on a department-approved form specifying the make, model, year, and vehicle identification number of every vehicle included in the auction. Anyone violating this provision will be guilty of a class A misdemeanor and will be charged a \$500 administrative fee payable to the department for each vehicle auctioned in violation of this provision.

A special event motor vehicle auction will be considered a public motor vehicle auction for purposes of licensing and inspection of certain documents and odometer readings; however, the licensee will not be required to have a bona fide established place of business.

Applications to hold an auction must be received by the department at least 90 days prior to the event. Applicants must be registered to conduct business in this state, pay a licensing fee of \$1,000, and be bonded or have an irrevocable letter of credit in the amount of \$100,000. Applicants will be responsible

for ensuring that a sales tax license or special event sales tax license is obtained if required.

COMMERCIAL DRIVER'S LICENSES (Sections 302.341, 302.700, and 302.768)

The substitute:

(1) Requires the Director of the Department of Revenue to return the license and remove the suspension from an individual's driving record if he or she provides proof of the disposition of charges, payment of the fine and any court costs, and payment of the reinstatement fee if he or she was not operating a commercial motor vehicle or was not a commercial driver's license holder at the time of the offense;

(2) Specifies that any person will be disqualified for any withdrawal of a person's privilege to drive a commercial vehicle by Canada or Mexico as the result of certain specified motor vehicle violations;

(3) Requires an applicant for a commercial driver's license or commercial driver's instruction permit to certify 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 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 and 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; and

(4) Specifies 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 medical variance or waiver. The substitute specifies the qualification process. Any 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.

HIGHWAY LANE USAGE (Section 304.015)

A driver who violates certain specified highway lane usage laws under Section 304.015 will be guilty of a class C misdemeanor unless the violation causes an immediate threat of an accident in which case he or she will be guilty of a class B misdemeanor. If an accident results from the violation, the driver will be guilty of a class A misdemeanor.

The driver of a truck registered for a gross weight of over 48,000 pounds is prohibited from driving in the far left-hand lane on all interstate highways in urbanized areas having three or more lanes of traffic in the same direction unless it is reasonably necessary to operate in the left-hand lane in response to an emergency condition or the right or center lane is closed due to construction, maintenance, or repair. Any highway signs identifying the lane not to be used by trucks must be covered or hidden during the times of construction or repair within the designated work area and in the two miles preceding the work area. A driver violating this provision will be guilty of an infraction unless the violation causes an immediate threat of an accident in which case he or she will be guilty of a class C misdemeanor. Currently, a driver is guilty of a class C misdemeanor unless the violation causes an immediate threat in which case it is a class B misdemeanor.

CELL PHONE USE BY SCHOOL BUS DRIVERS (Section 304.054)

Any person operating a school bus upon a highway or other public roadway in the state who is transporting children at the time is prohibited from using a hand-held electronic wireless communications device to send, read, or write a text or electronic message or make or take part in a telephone call. These provisions do not apply if the device is being used to report illegal activity, summon medical or emergency help, prevent injury to a person or property, or relay information between a school bus operator and the dispatcher and the device is permanently affixed to the bus; if the bus is lawfully parked or stopped; or if the device is permanently embedded into the design of the bus.

Anyone violating these provisions will be guilty of an infraction which will be deemed a moving violation for the purpose of assessing points against a person's driver's license. Any city or county is authorized to adopt ordinances or regulations that are equivalent to, but not more restrictive than, these provisions.

MUNICIPAL STREETS (Sections 304.120 and 537.293)

A municipality is required to allow at least one street, with lawful traffic movement and access from both directions, to be available for use by a commercial vehicle to access any road in the state highway system. The substitute specifies that the legal use of a vehicle on a public street or highway cannot constitute a public or private nuisance and cannot be the basis of a civil action for a public or private nuisance.

SPRINGFIELD AIRPORT AUTHORITY (Section 305.300)

The substitute allows the City of Springfield to establish an airport authority within the city's boundaries.

SAFETY BELTS (Section 307.178)

Currently, the driver and each front-seat passenger of a car or a truck with a licensed gross weight under 12,000 pounds must wear a safety belt. Exemptions are allowed for United States Postal Service employees while performing their duties, persons operating or riding a motor vehicle being used in agricultural work-related activities, and persons with a medical reason. The substitute requires the driver and all the passengers in every car or truck to wear a safety belt except those already exempt. A person with a medical reason must possess documentation from a physician to be exempted from wearing a safety belt. If there are more persons than there are safety belts in the enclosed area of a motor vehicle, the passengers who are not able to wear safety belts must sit on the seats behind the front seat unless the vehicle is designed only for a front-seated area.

The substitute also removes the provision that prohibits a person from being stopped, inspected, or detained solely for not wearing a properly adjusted and fastened safety belt.

The provisions regarding commercial driver's licenses become effective May 11, 2013.

FISCAL NOTE: Not available at time of printing.

PROPONENTS: Supporters say that the bill corrects issues relating to motor vehicle dealers and clarifies existing law.

Testifying for the bill were Representative Denison; and Department of Revenue.

OPPONENTS: There was no opposition voiced to the committee.