

SECOND REGULAR SESSION

HOUSE BILL NO. 1808

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CARTER (Sponsor), MEADOWS, FRAKER, LASATER,
FITZWATER, REDMON, DUGGER, LANT, REIBOLDT, BERRY AND JONES (63) (Co-sponsors).

5784L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 390.063, RSMo, and to enact in lieu thereof one new section relating to the transportation of passengers by motor vehicle.

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

Section A. Section 390.063, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 390.063, to read as follows:

390.063. 1. As used in this chapter, the following terms mean:

(1) "Elderly", any person who is sixty years of age or older;

(2) "Handicapped", any person having a physical or mental condition, either permanent or temporary, which would substantially impair ability to operate or utilize available transportation; and

(3) "Urbanized area", an area so designated by the United States Bureau of Census as provided under section 12(c)(11) of the Urban Mass Transportation Act of 1964, as amended, and which has a population of more than fifty thousand persons.

2. Notwithstanding any provisions of this chapter to the contrary, the division shall issue a certificate or permit in accordance with the provisions of this section to a not-for-profit corporation seeking to transport by motor vehicle, as a common carrier or contract carrier in intrastate commerce, exclusively passengers other than in charter service who are:

(1) Elderly;

(2) Handicapped;

(3) Preschool disadvantaged children transported for the purpose of participating in a federal Head Start program; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (4) Transported in areas other than urbanized areas as defined in this section, for which
18 the motor carrier is authorized to be subsidized or reimbursed under section 18 of the Urban
19 Mass Transportation Act of 1964, as amended, section 1614 of Title 49, United States Code,
20 with federal funds administered by the Missouri transportation department, except that priority
21 shall be given to serving passengers who are elderly, handicapped or preschool disadvantaged
22 children under the certificate or permit issued under this section.

23 3. A not-for-profit corporation seeking a certificate or permit under this section shall
24 make a written application to the division, in the form and containing the information which the
25 division shall require by rule. The application shall include at least a complete description of the
26 routes or territory to be served, and a list of the equipment to be used by the applicant in
27 providing the proposed service. If the division finds that an applicant seeking to transport
28 passengers as described in subsection 2 of this section is willing and able to properly perform
29 the service proposed and to conform to the applicable provisions of this chapter, and the
30 applicable rules and orders of the division, a certificate or permit authorizing such transportation
31 shall be issued. The division may, by rule, make reasonable requirements to prevent the
32 unauthorized transportation of passengers other than as described in subsection 2 of this section,
33 by motor carriers to whom a certificate or permit is issued under this section.

34 4. The division shall not have jurisdiction over the rates charged by motor carriers for
35 the transportation of passengers as described in subsection 2 of this section and provided under
36 the authority of a certificate or permit issued under this section. Such motor carriers shall not
37 be required to file with the division or publish tariff schedules setting forth their rates and
38 charges for such transportation.

39 5. The provisions of section 390.136 shall not apply to motor vehicles exclusively used
40 to transport passengers as described in subsection 2 of this section under the authority of a
41 certificate or permit issued under this section.

42 [6. Notwithstanding any provisions of subsection 3 of section 390.030 to the contrary,
43 it is unlawful for any person to operate any motor vehicle having a capacity of more than five
44 passengers, exclusive of the driver, in intrastate commerce or operate any motor vehicle designed
45 to transport more than fifteen passengers, including the driver, in interstate commerce, unless the
46 vehicle is equipped and operated as required by parts 390 through 397, Title 49, Code of Federal
47 Regulations, as those regulations have been and may periodically be amended. Those regulations
48 are hereby made applicable to all passenger-carrying motor vehicles having a capacity of more
49 than five passengers, exclusive of the driver, when operated in intrastate commerce, and to all
50 motor vehicles designed to transport more than fifteen passengers, including the driver, when
51 operated in interstate commerce, and the division shall have power and authority to enforce those
52 regulations wholly within terminals, as they apply to those motor vehicles and drivers.]

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