

HCS HB 1402 -- ROAD USE (Burlison)

COMMITTEE OF ORIGIN: Committee on Transportation

This substitute changes the laws regarding motor carriers and the transportation of household goods and requires a municipality to allow commercial vehicles access to any road in the state highway system. In its main provisions, the substitute:

(1) Exempts a motor carrier transporting household goods in intrastate commerce from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission within the Department of Transportation. Currently, only a household goods motor carrier operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing this information with the commission, a household goods motor carrier engaged in intrastate commerce must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request;

(2) Prohibits a household goods motor carrier from participating in a joint tariff except for a joint tariff relating to joint rates for the transportation of household goods over any through routes or by interline service performed by two or more separate motor carriers. A household goods motor carrier participating in through routes or interline service must publish a joint tariff and evidence of its concurrence or acceptance or individual tariff for each participating carrier;

(3) Removes the provision which prohibits a household goods motor carrier from using any schedule of rates or charges that divide the state into territorial rate areas;

(4) Requires the commission to establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and to establish a system for filing, logging, and responding to consumer complaints;

(5) Specifies that all rates, tolls, charges, schedules, and joint rates fixed by the commission with reference to the transportation of passengers and household goods by a motor carrier will be in force and will be prima facie lawful and reasonable until found otherwise in a suit brought under Chapter 387, RSMo;

(6) Voids, on August 28, 2012, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate order requires or prescribes

any minimum, maximum, or minimum-and-maximum rates for the transportation of the goods;

(7) Specifies that, beginning August 28, 2012, no certificate or permit to transport household goods in intrastate commerce will be issued or renewed unless the applicant demonstrates compliance with state workers' compensation insurance coverage laws for all of its employees;

(8) Removes the provision requiring a contract motor carrier transporting household goods to demonstrate that the proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. An applicant for a household goods moving certificate of authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit must be fit and willing and able to perform the proposed service and must conform to other specified requirements;

(9) Voids any geographic restriction or provision limiting a household goods motor carrier's scope of authority to particular routes within this state contained in a certificate, permit, or both which was issued prior to August 28, 2012, and any similar provision contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff schedules are reissued or amended to reflect the carrier's statewide operating authority; and

(10) Requires a municipality to allow at least one street, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. The substitute prohibits any civil action for a public or private nuisance on the basis of an individual or business entity legally using a vehicle on a public street or highway.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.